JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

SEVENTY-FIRST DAY, THURSDAY, MAY 11, 2000

Speaker Gaw in the Chair.

Prayer by Father David Buescher.

God of human progress, the agenda for this Chamber today again includes a gamut of need and desire which could boggle the mind. From patient care to foster care to sports to veterans bonus to murder defendants and much more, this society presents its needs to its leaders and lawmakers. These honorable representatives ask for a sense of Your priorities, O God, to decide these cases with acumen and grace.

Also, God of infinite time, our time here is so limited. May speed, accuracy, deep perception and compassion be the hallmark of this Chamber's work this day, as the session spins close to the end. Be the calm in the center of this day's concerns, now and always. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Brett Blomme

MOTION

Representative Crump moved that Rule 2 be suspended for one hour, to allow the printing of the House Journal to be completed, at which time the motion for approval of the Journal will be made.

Which motion was adopted by the following vote:

AYES: 128

Abel	Auer	Backer	Barnett	Barry 100
Bennett	Berkowitz	Black	Boucher 48	Bray 84
Britt	Brooks	Burton	Campbell	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Liese	Linton	Long	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Myers
Naeger	Nordwald	O'Connor	O'Toole	Overschmidt

Parker	Patek	Phillips	Purgason	Ransdall
Reinhart	Relford	Reynolds	Richardson	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 020

Akin	Alter	Ballard	Bartelsmeyer	Bartle
Blunt	Champion	Chrismer	Cierpiot	Gibbons
Hanaway	Hendrickson	Hohulin	Kelley 47	Levin
Lograsso	Loudon	Luetkemeyer	Pouche 30	Ridgeway

PRESENT: 001

Reid

ABSENT WITH LEAVE: 013

Berkstresser	Boatright	Bonner	Boykins	Dolan
Dougherty	Elliott	Enz	Murphy	Murray
Ostmann	Pryor	Stokan		

VACANCIES: 001

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1619 - Representatives Bennett and Gross
House Resolution No. 1620 - Representative Green
House Resolution No. 1621 - Representative Hanaway
House Resolution No. 1622 through
House Resolution No. 1628 - Representative Berkstresser
House Resolution No. 1629 - Representative Riley
House Resolution No. 1630 - Representative Bartle
House Resolution No. 1631 - Representative Kreider

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **SS SCS SBs 867 & 552 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass.**

BILL CARRYING REQUEST MESSAGE

HCS SS SCS SB 763, as amended, relating to telemarketing, was taken up by Representative Kissell.

Representative Kissell moved that the House refuse to recede from its position on **HCS SS SCS SB 763, as amended,** and grant the Senate a conference.

Which motion was adopted.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HCS SS SCS SB 763: Representatives Kissell, Davis (122), McLuckie, Myers and Alter

MOTION

Representative Crump moved that Rule 26 be suspended to allow House conferees to meet while the House is in session on May 11, 2000.

Which motion was adopted by the following vote:

AYES: 142

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Black	Blunt	Boatright	Boucher 48
Boykins	Bray 84	Britt	Brooks	Burton
Campbell	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Harlan	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pryor	Purgason	Ransdall	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 005

Bartelsmeyer	Hanaway	Hohulin	Lograsso	Wright

PRESENT: 001

Reid

ABSENT WITH LEAVE: 014

Berkstresser	Bonner	Champion	Dolan	Dougherty
Elliott	Gambaro	Gross	Hartzler 123	Holand
Kennedy	Murphy	Pouche 30	Stokan	

VACANCIES: 001

BILL IN CONFERENCE

CCR SCS HB 1591, relating to nursing home administrators, was taken up by Representative Backer.

On motion of Representative Backer, **CCR SCS HB 1591** was adopted by the following vote:

AYES: 149

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Black	Blunt	Boatright
Bonner	Boucher 48	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	May 108	Mays 50
McBride	McClelland	McKenna	McLuckie	Merideth
Miller	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Purgason	Ransdall
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Berkstresser	Boykins	Dolan	Dougherty	Elliott
Gross	Hosmer	Leake	Monaco	Murphy
Pryor	Reid	Stokan		

VACANCIES: 001

On motion of Representative Backer, **SCS HB 1591, as amended by the CCR,** was read the third time and passed by the following vote:

AYES: 150

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Bray 84	Britt
Brooks	Burton	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Riley	Rizzo
Robirds	Ross	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Skaggs	Smith	Summers	Surface
Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Boykins	Dolan	Elliott	Gross	Kasten
Leake	Luetkenhaus	Murphy	Reid	Sallee
Stokan	Williams 121			

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Smith, title to the bill was agreed to.

Representative Bonner moved that the vote by which the bill passed be reconsidered.

Representative Britt moved that motion lay on the table.

The latter motion prevailed.

HOUSE BILLS WITH SENATE AMENDMENTS

HCS HB 1967, with Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1, as amended, and Senate Amendment No. 1, relating to St. Louis Boundary Commission, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to concur in **Senate Amendment No. 1 to Senate Committee Amendment No. 1, Senate Committee Amendment No. 1, as amended, and Senate Amendment No. 1** to **HCS HB 1967** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

SCS HS HB 1238, as amended, relating to delinquent property tax, was taken up by Representative Hoppe.

Representative Hoppe moved that the House refuse to adopt **SCS HS HB 1238, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

THIRD READING OF SENATE JOINT RESOLUTION

HCS SS SS#3 SJR 35, relating to compensation of state elected officials, was taken up by Representative Graham (24).

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 4, Line 76, by inserting after the word "**schedule.**" the following:

"**The general assembly shall never appropriate funds which retroactively increase a member's salary.**".

Representative Backer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 4, Line 76, by inserting after the word "**schedule.**" the following:

"**The general assembly shall never appropriate funds which retroactively increase the salary of persons whose compensation schedule is fixed by the commission.**".

Representative Blunt offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 2, Section 3, Line 9, by inserting after the word "**salary**" the following:

"**or any other form of compensation**".

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

On motion of Representative Backer, **House Substitute Amendment No. 1 for House Amendment No. 1, as amended,** was adopted.

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

House Amendment No. 2 was withdrawn.

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 2, Section 3, Line 5, by deleting the words "**, subject to appropriations,**"; and

Further amend on Page 3, Section 8, Line 74, by deleting the words "**, subject to appropriations,**".

Representative Richardson offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

House Substitute Amendment No. 1
for
House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 1, Section 3, Line 1, by inserting a bracket before the word "**section**" on said line; and

Further amend said resolution, Page 4, Line 93, by inserting a bracket after the word "**assembly.**"; and

Further amend said resolution by removing all bold face and brackets which currently exist in the Senate Joint Resolution No. 35.

Representative Richardson moved that **House Substitute Amendment No. 1 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 073

Akin	Alter	Backer	Ballard	Barnett
Bartelsmeyer	Bartle	Bennett	Berkstresser	Black
Boatright	Burton	Champion	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hartzler 123	Hegeman	Hohulin	Holand
Howerton	Kasten	Kelley 47	King	Legan
Levin	Linton	Lograsso	Long	Loudon
Luetkemeyer	Luetkenhaus	Marble	McBride	McClelland
Merideth	Miller	Murphy	Myers	Naeger
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Purgason	Reid	Reinhart	Richardson	Ridgeway
Robirds	Ross	Sallee	Schwab	Scott
Secrest	Shields	Summers	Surface	Townley
Vogel	Williams 159	Wright		

NOES: 083

Abel	Auer	Barry 100	Berkowitz	Blunt
Boucher 48	Boykins	Bray 84	Britt	Campbell
Chrismer	Crump	Curls	Davis 122	Davis 63
Days	Dougherty	Farnen	Fitzwater	Foley
Ford	Franklin	Fraser	Gambaro	George
Graham 24	Gratz	Green	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 124	Hendrickson	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Liese	May 108
Mays 50	McKenna	McLuckie	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Pryor
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Tudor	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Wilson 25	Mr. Speaker		

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 005

Bonner	Clayton	Gunn	Stokan	Wilson 42

VACANCIES: 001

House Amendment No. 2 was withdrawn.

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

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 4, Section 3, Line 87, by inserting after said line the following:

"**The commission shall provide notice of the hearings to all media located within the legislative district where said hearing shall take place at least one month prior to holding of said hearing.**".

Representative Purgason moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

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

Representative Graham (24) raised a point of order that **House Amendment No. 4** is dilatory and amends previously amended material.

The Chair ruled the point of order well taken.

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

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 4, Section 3, Line 81, by placing a bracket around "**Uniform General**" and inserting in lieu thereof "**Average**".

Representative Marble moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

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

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Substitute #3 for Senate Joint Resolution No. 35, Page 2, Section 3, Line 8, by inserting at the end of said line the following:

"**However, the commissions salary recommendation for elected officials shall not exceed annually the Consumer Price Index.**".

Representative Wright moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Speaker Pro Tem Kreider assumed the Chair.

On motion of Representative Graham (24), **HCS SS SS#3 SJR 35, as amended,** was adopted.

On motion of Representative Graham (24), **HCS SS SS#3 SJR 35, as amended,** was read the third time and passed by the following vote:

AYES: 097

Abel	Alter	Backer	Barnett	Barry 100
Berkowitz	Black	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Campbell	Clayton
Crump	Curls	Davis 122	Davis 63	Days
Dougherty	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Gambaro	George
Graham 106	Graham 24	Gratz	Green	Hagan-Harrell

Hampton	Harlan	Hartzler 123	Hartzler 124	Hickey
Hilgemann	Holand	Hoppe	Hosmer	Kelley 47
Kelly 27	Kennedy	King	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Liese	Long	May 108	Mays 50	McKenna
McLuckie	Merideth	Monaco	Murray	Naeger
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Relford	Reynolds	Richardson	Riley	Rizzo
Ross	Sallee	Scheve	Schilling	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Thompson	Treadway	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 056

Akin	Auer	Ballard	Bartelsmeyer	Bartle
Berkstresser	Blunt	Boatright	Burton	Champion
Chrismer	Cierpiot	Crawford	Dolan	Elliott
Enz	Evans	Froelker	Gaskill	Gibbons
Griesheimer	Gross	Hanaway	Hegeman	Hendrickson
Hohulin	Howerton	Kasten	Kissell	Levin
Lograsso	Loudon	Luetkemeyer	Luetkenhaus	Marble
McBride	McClelland	Miller	Murphy	Myers
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Pryor	Purgason	Reid	Schwab	Scott
Secrest	Shields	Surface	Townley	Tudor
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bennett	Gunn	Hollingsworth	Linton	Reinhart
Ridgeway	Robirds	Stokan	Troupe	

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Scheve, title to the bill was agreed to.

Representative Relford moved that the vote by which the bill passed be reconsidered.

Representative Skaggs moved that motion lay on the table.

The latter motion prevailed.

APPROVAL OF THE HOUSE JOURNAL

On motion of Representative Crump, the Journal of the seventieth day was approved as corrected by the following vote:

AYES: 083

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Evans
Farnen	Fitzwater	Foley	Ford	Franklin

Fraser	Gambaro	George	Graham 24	Gratz
Green	Gunn	Hagan-Harrell	Hampton	Harlan
Hickey	Hilgemann	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Lakin	Lawson
Leake	Luetkenhaus	May 108	Mays 50	McBride
McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Relford	Reynolds	Riley	Rizzo	Scheve
Schilling	Seigfreid	Selby	Shelton	Skaggs
Smith	Thompson	Treadway	Troupe	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 068

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Berkstresser	Black	Blunt	Boatright
Burton	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Foster	Froelker
Gibbons	Graham 106	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Howerton	Kelley 47	King	Klindt	Legan
Levin	Linton	Lograsso	Long	Loudon
Luetkemeyer	Marble	McClelland	Miller	Murphy
Myers	Naeger	Nordwald	Ostmann	Patek
Phillips	Pouche 30	Purgason	Reid	Reinhart
Richardson	Robirds	Ross	Schwab	Scott
Secrest	Shields	Summers	Surface	Townley
Tudor	Vogel	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Bennett	Gaskill	Holand	Hollingsworth	Kasten
Kreider	Liese	Pryor	Ridgeway	Sallee
Stokan				

VACANCIES: 001

THIRD READING OF SENATE BILL

HCS SS SB 902, relating to gaming, was taken up by Representative Treadway.

Representative Treadway offered **HS HCS SS SB 902**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Pages 12 & 13, Section 313.807, by striking all of subsection 6 and inserting in lieu thereof the following:

"**6. Prior to granting a license for an excursion gambling boat, the commission shall ensure that the applicant complies with all local zoning laws, provided that such laws were not changed to the detriment of the applicant having an ownership interest, including without limitation, an option to purchase, a contingent purchase agreement, leasehold interest or contingent leasehold interest, that is the subject of the zoning law change when such law is enacted subsequent to the filing of such application. Nothing in this section shall be construed to prohibit aching in local law in favor of the applicant having the ownership interest in the property.**".

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 46, Section 313.843, Line 22, by inserting at the end of said line the following:

"**(3) Are not offered after 11 o'clock p.m. or any day which immediately precedes a day which public elementary and secondary education schools are scheduled to be in session.**".

Representative Barry offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

House Substitute Amendment No. 1
for
House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 46, Section 313.843, Line 23, by inserting after the word "**feet**" the following:

"**(3) Are not offered after eleven o'clock p.m. on days which immediately precede days which public elementary and secondary schools in the county in which the licensee is located are scheduled to be in session, and are not offered after one o'clock a.m. on other days.**".

On motion of Representative Barry, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.820, Line 11 of said page, by inserting after the word "**dollars**" the phrase "**and ten cents**"; and

Further amend said bill, Page 24, Section 313.820, Line 13 of said page, by inserting after the word "**dollar**" the phrase "**and ten cents**"; and

Further amend said bill, Page 24, Section 313.820, Line 20 of said page, by inserting after the number "**313.842**" the following:

"**and nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo. Notwithstanding any provision of law to the contrary, upon termination of the World War II veterans' recognition award fund, and subject to appropriation, nine cents of such fee deposited to the credit of the gaming commission may be deposited to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835.**"; and

Further amend said bill, Page 34, Section 313.835, Line 12 of said page, by inserting after the number "**313.820,**" the following:

"**and that portion of the admission fee, not to exceed nine cents, that may be appropriated to the World War II veterans' recognition award fund created pursuant to section 42.195, RSMo, or to the credit of the veterans' commission capital improvement trust fund created pursuant to section 313.835 upon termination of the World War II veterans' recognition award fund.**"; and

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

On motion of Representative Boucher, **House Amendment No. 3** was adopted by the following vote:

AYES: 105

Akin	Alter	Backer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Blunt	Boatright	Bonner	Boucher 48	Boykins
Britt	Brooks	Burton	Campbell	Champion
Chrismer	Clayton	Crawford	Curls	Davis 122
Davis 63	Days	Dougherty	Elliott	Enz
Fitzwater	Foley	Ford	Foster	Fraser
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Gross	Hagan-Harrell	Hampton
Hartzler 123	Hartzler 124	Hendrickson	Hickey	Hilgemann
Hohulin	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	King	Kissell	Koller	Kreider
Lakin	Lawson	Legan	Long	Luetkemeyer
May 108	McBride	McClelland	Miller	Murray
Myers	Naeger	Nordwald	O'Connor	Overschmidt
Parker	Patek	Phillips	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Rizzo	Ross	Sallee	Scheve	Schwab
Seigfreid	Selby	Skaggs	Smith	Summers
Surface	Thompson	Tudor	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 042

Abel	Auer	Black	Bray 84	Cierpiot
Crump	Evans	Farnen	Froelker	Gambaro
Griesheimer	Gunn	Hanaway	Hegeman	Holand
Hollingsworth	Kelly 27	Kennedy	Klindt	Leake
Levin	Liese	Linton	Lograsso	Loudon
Marble	Mays 50	McKenna	McLuckie	Murphy
O'Toole	Pouche 30	Ridgeway	Riley	Robirds
Schilling	Secrest	Shelton	Treadway	Vogel
Wagner	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 015

Berkstresser	Dolan	Franklin	Harlan	Luetkenhaus
Merideth	Monaco	Ostmann	Pryor	Scott
Shields	Stokan	Townley	Troupe	Van Zandt

VACANCIES: 001

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.817, Line 8, by inserting before the period "**.**" the following:

"**and a class A misdemeanor for second and subsequent offenses.**".

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

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

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 8, Section 313.805, Line 3, by striking after the word "**purposes**" the following words:

"**The provisions of this subdivision shall apply only to patrons giving identifying information for the first time.**".

Representative Boatright moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Akin	Ballard	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Brooks	Burton	Champion	Chrismer	Cierpiot
Crawford	Elliott	Enz	Foster	Froelker
Gaskill	Gibbons	Graham 106	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Hosmer	Howerton	Kasten	Kelley 47
King	Legan	Levin	Linton	Long
Loudon	Luetkemeyer	Marble	McClelland	Miller
Murphy	Naeger	Patek	Phillips	Pouche 30
Purgason	Reid	Reinhart	Schilling	Schwab
Scott	Secrest	Smith	Summers	Surface
Tudor	Wright			

NOES: 090

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Griesheimer	Gunn	Hagan-Harrell	Hampton	Harlan
Hickey	Hilgemann	Hollingsworth	Hoppe	Kelly 27
Kissell	Koller	Kreider	Lakin	Lawson
Leake	Liese	Lograsso	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Monaco	Murray	Nordwald	O'Toole	Ostmann
Overschmidt	Parker	Pryor	Ransdall	Relford
Reynolds	Ridgeway	Riley	Rizzo	Robirds
Ross	Sallee	Scheve	Seigfreid	Selby
Shelton	Shields	Skaggs	Thompson	Treadway
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 010

Alter	Evans	Kennedy	Klindt	Myers
O'Connor	Richardson	Stokan	Townley	Troupe

VACANCIES: 001

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 22, Section 313.815, Line 13, by deleting the word "**four**" and inserting in lieu thereof the word "**three**".

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

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 24, Section 313.817, Line 9, by adding to the end of said section the following:

"**313.818. No licensee who is an operator of an excursion gambling boat shall establish, maintain, operate or allow the establishment, maintenance or operation of an automated device that processes financial transactions which involve credit cards on an excursion gambling boat. For the purpose of this section, the term "credit card" shall be as defined in the Consumer Credit Protection Act, 15 U.S.C. Section 1602 (k), or successor acts. Violation of this section shall be an administrative penalty, which shall be assessed in accordance with the provisions of subdivision (6) of section 313.805. Any penalty amount assessed by the commission shall be credited to the gaming commission fund, established pursuant to section 313.835.**".

Representative Crawford moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Akin	Ballard	Barnett	Bartelsmeyer	Bartle
Berkstresser	Boatright	Brooks	Campbell	Champion
Chrismer	Cierpiot	Crawford	Enz	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hampton	Hanaway	Hartzler 124	Hegeman
Hendrickson	Hilgemann	Holand	Hosmer	Kasten
Kelley 47	Kennedy	King	Kissell	Klindt
Legan	Levin	Linton	Loudon	Luetkemeyer
Luetkenhaus	Marble	McClelland	Miller	Murphy
Naeger	Nordwald	Patek	Phillips	Pouche 30
Purgason	Reid	Reinhart	Ridgeway	Robirds
Ross	Schilling	Secrest	Summers	Tudor
Van Zandt				

NOES: 077

Abel	Auer	Backer	Barry 100	Bennett
Berkowitz	Black	Blunt	Bonner	Boucher 48
Boykins	Bray 84	Britt	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Farnen	Fitzwater	Foley	Ford
Franklin	Fraser	Gambaro	George	Graham 24
Gratz	Gunn	Hagan-Harrell	Harlan	Hickey
Hohulin	Howerton	Kelly 27	Kreider	Lakin
Lawson	Leake	May 108	Mays 50	McBride

McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall
Reynolds	Richardson	Riley	Rizzo	Scheve
Schwab	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Thompson	Treadway	Wagner
Ward	Wiggins	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 024

Alter	Burton	Elliott	Evans	Green
Hartzler 123	Hollingsworth	Hoppe	Koller	Liese
Lograsso	Long	Myers	Ostmann	Pryor
Relford	Sallee	Scott	Stokan	Surface
Townley	Troupe	Vogel	Williams 121	

VACANCIES: 001

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

Representative Blunt offered **House Substitute Amendment No. 1 for House Amendment No. 8**.

House Substitute Amendment No. 1
for
House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 13, Section 313.812, Line 10, by inserting after the word "**section**" on said line the following:

"**; however, no gambling boat licensed after January 1, 2000, shall be located within one mile of the nearest public school or within one mile of the nearest veteran's cemetery.**".

Representative Blunt moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated.

House Amendment No. 8 was withdrawn.

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

Representative Auer raised a point of order that **House Amendment No. 9** is dilatory.

The Chair ruled the point of order well taken.

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

Representative Farnen raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 902, Page 45, Section 313.837, Lines 12-14, by deleting the following:

"**and any recommendation for legislation which the commission deems advisable**".

Representative Gross moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 066

Akin	Ballard	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Burton	Champion	Chrismer	Cierpiot	Crawford
Dolan	Enz	Foster	Froelker	Gaskill
Gibbons	Graham 106	Griesheimer	Hanaway	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Holand	Howerton
Kasten	Kelley 47	King	Klindt	Legan
Levin	Linton	Lograsso	Long	Loudon
Luetkemeyer	Marble	McClelland	Miller	Murphy
Naeger	Nordwald	Patek	Phillips	Pouche 30
Pryor	Purgason	Reid	Reinhart	Richardson
Ridgeway	Robirds	Schwab	Scott	Secrest
Shields	Summers	Surface	Tudor	Vogel
Wright				

NOES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Farnen	Fitzwater
Foley	Ford	Franklin	Fraser	Gambaro
George	Graham 24	Gratz	Green	Gross
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Leake	Liese	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Monaco	Murray	O'Connor	O'Toole	Overschmidt
Parker	Ransdall	Relford	Reynolds	Riley
Rizzo	Ross	Scheve	Schilling	Seigfreid
Selby	Shelton	Smith	Thompson	Treadway
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 012

Alter	Bonner	Elliott	Evans	Hohulin
Myers	Ostmann	Sallee	Skaggs	Stokan
Townley	Troupe			

VACANCIES: 001

Representative Crump moved the previous question on the motion to adopt **HS HCS SS SB 902, as amended.**

Which motion was adopted by the following vote:

AYES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Leake	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 070

Akin	Ballard	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Burton	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Howerton	Kasten	Kelley 47	King
Klindt	Legan	Linton	Lograsso	Long
Loudon	Luetkemeyer	Marble	McClelland	Miller
Murphy	Naeger	Nordwald	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Townley	Tudor	Vogel	Wright

PRESENT: 000

ABSENT WITH LEAVE: 008

Alter	Gunn	Hohulin	Holand	Levin
Myers	Ostmann	Stokan		

VACANCIES: 001

On motion of Representative Treadway, **HS HCS SS SB 902, as amended,** was adopted.

On motion of Representative Treadway, **HS HCS SS SB 902, as amended,** was read the third time and passed by the following vote:

AYES: 124

Abel	Akin	Auer	Backer	Barry 100
Bartle	Bennett	Berkowitz	Black	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Chrismer	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty

Enz	Evans	Farnen	Fitzwater	Foley
Ford	Franklin	Fraser	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Harlan	Hartzler 123	Hegeman	Hickey
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelly 27	Kennedy	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Levin	Liese	Lograsso
Long	Luetkemeyer	Luetkenhaus	May 108	Mays 50
McBride	McClelland	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Naeger	O'Connor
O'Toole	Overschmidt	Parker	Phillips	Pouche 30
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Schwab	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Thompson	Treadway	Tudor	Van Zandt
Vogel	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 026

Ballard	Barnett	Bartelsmeyer	Berkstresser	Blunt
Burton	Campbell	Cierpiot	Crawford	Elliott
Foster	Froelker	Hanaway	Hartzler 124	Hendrickson
Kelley 47	King	Linton	Loudon	Marble
Purgason	Robirds	Summers	Surface	Townley
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Alter	Champion	Hohulin	McKenna	Myers
Nordwald	Ostmann	Patek	Pryor	Scott
Stokan	Troupe			

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wagner, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Kennedy moved that motion lay on the table.

The latter motion prevailed.

SCS SB 557, relating to municipal housing commissioners, was taken up by Representative Smith.

On motion of Representative Smith, **SCS SB 557** was truly agreed to and finally passed by the following vote:

AYES: 148

Akin	Alter	Auer	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Farnen	Fitzwater	Foley	Foster
Franklin	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hollingsworth	Hoppe
Howerton	Kasten	Kelley 47	Kelly 27	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Long	Loudon	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Patek	Phillips
Pouche 30	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Townley	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 001

Evans

PRESENT: 000

ABSENT WITH LEAVE: 013

Abel	Champion	Ford	Fraser	Hohulin
Holand	Hosmer	Kennedy	Lograsso	Luetkemeyer
Parker	Pryor	Stokan		

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative McLuckie, title to the bill was agreed to.

Representative May (108) moved that the vote by which the bill passed be reconsidered.

Representative Liese moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

SS SCS SBs 867 & 552, relating to tax credit programs, was taken up by Representative Scheve.

Representative Scheve offered **HS SS SCS SBs 867 & 552**.

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

House Amendment No. 1

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 867 & 552, Page 3, Section 82.1050, Line 3, by inserting after all of said line the following:

"**135.406. Notwithstanding sections 135.403 and 135.405, no more than one million dollars of the total amount of Missouri small business tax credits available for qualified investments in Missouri small businesses shall be used and made available for qualified investments in Missouri small businesses, which are enterprises which consist of one or more establishments assigned a SIC code of 8731 and the results of the activities of which are designed to be used by establishments assigned a SIC code of 2834, engaged solely in pharmaceutical research and development; but in the event this one million dollars set aside is not used in its entirety by September first of any year, the balance of the credit may be used by other entities qualifying for tax credits under the capital tax credit program as defined in sections 135.400 to 135.430. The limitations of subsection 2 of section 135.403 and section 135.405 upon the amounts of qualified investments, the aggregate of tax credits authorized and the maximum tax credits which may be evidenced by certificates of tax credit issued or owned by a single taxpayer shall not apply to amounts allocated by this section. The director shall give preference in issuing certificates of tax credit to applicants under this section.**"; and

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

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

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

House Amendment No. 2

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 867 & 552, Page 3, Section 135.500.2(1)(a), Line 10, by striking the word "**ten**" in said line and inserting in lieu thereof the word "**fifteen**"; and

Further amend said bill, Page 3, section 135.500.2(1)(b), Line 13, by striking the word "**ten**" in said line and inserting in lieu thereof the word "**fifteen**".

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

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

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

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Hartzler (124) offered **House Amendment No. 3**.

Representative Britt raised a point of order that **House Amendment No. 3** goes beyond the scope of the House Substitute and the original bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

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

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 3

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 867 & 552, Page 19, Section 135.545, Line 19, by inserting after said line the following:

"**Section 1. For all tax years beginning on or after January 1, 2001, a business entity shall be allowed a credit against its state tax liability imposed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to fifty percent of any contributions to the state document preservation fund, pursuant to section 109.005, RSMo. The maximum amount of state-wide credits authorized per year shall not exceed one hundred thousand dollars. The secretary of state shall provide a method for claiming such tax credit to approve the credits in the order the application for the credits are received.**"; and

Further amend the title and enacting clause accordingly.

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

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Blunt moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 076

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Elliott	Enz	Evans	Foster	Froelker
Gaskill	Gibbons	Graham 106	Griesheimer	Gross

Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hohulin	Holand	Howerton	Kasten	Kelley 47
Kennedy	King	Klindt	Legan	Levin
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Townley	Tudor	Vogel	Wright
Mr. Speaker				

NOES: 077

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Franklin	Fraser	Gambaro
George	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kelly 27	Kissell	Koller
Kreider	Lakin	Lawson	Leake	Liese
Luetkenhaus	May 108	Mays 50	McBride	McKenna
McLuckie	Merideth	Monaco	Murray	O'Connor
O'Toole	Overschmidt	Ransdall	Relford	Reynolds
Riley	Rizzo	Scheve	Schilling	Seigfreid
Selby	Shelton	Smith	Treadway	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42			

PRESENT: 000

ABSENT WITH LEAVE: 009

Ballard	Burton	Ford	Harlan	Parker
Skaggs	Stokan	Thompson	Troupe	

VACANCIES: 001

Representative Crump moved the previous question on the adoption of **HS SS SCS SBs 867 & 552**.

Which motion was adopted by the following vote:

AYES: 085

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Leake	Liese	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Monaco	Murray	O'Connor	O'Toole	Overschmidt
Parker	Ransdall	Relford	Reynolds	Riley
Rizzo	Scheve	Schilling	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 074

Akin	Alter	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Elliott	Enz	Evans	Foster	Froelker
Gaskill	Gibbons	Graham 106	Griesheimer	Gross
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hohulin	Holand	Howerton	Kasten	Kelley 47
King	Klindt	Legan	Levin	Linton
Lograsso	Long	Loudon	Luetkemeyer	Marble
McClelland	Miller	Murphy	Myers	Naeger
Nordwald	Ostmann	Patek	Phillips	Pouche 30
Pryor	Purgason	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Sallee	Schwab
Scott	Secrest	Shields	Summers	Surface
Townley	Tudor	Vogel	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 003

Ballard	Burton	Stokan

VACANCIES: 001

On motion of Representative Scheve, **HS SS SCS SBs 867 & 552, as amended,** was adopted by the following vote:

AYES: 118

Abel	Auer	Backer	Barnett	Barry 100
Bartle	Bennett	Berkowitz	Black	Boucher 48
Boykins	Britt	Brooks	Campbell	Chrismer
Cierpiot	Clayton	Crump	Curls	Davis 122
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Franklin	Fraser	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hegeman	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Leake	Legan	Liese	Long	Loudon
Luetkemeyer	May 108	Mays 50	McBride	McClelland
McKenna	Merideth	Monaco	Murray	Myers
Naeger	O'Toole	Overschmidt	Parker	Purgason
Ransdall	Relford	Richardson	Ridgeway	Riley
Rizzo	Robirds	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 031

Akin	Alter	Bartelsmeyer	Berkstresser	Blunt
Boatright	Champion	Crawford	Froelker	Gross
Hartzler 123	Hartzler 124	Hendrickson	Levin	Linton
Lograsso	Luetkenhaus	Marble	Miller	Murphy
Nordwald	O'Connor	Phillips	Pouche 30	Pryor
Reid	Reinhart	Reynolds	Ross	Selby
Townley				

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard	Bonner	Bray 84	Burton	Davis 63
Hosmer	Lawson	McLuckie	Ostmann	Patek
Sallee	Stokan	Ward		

VACANCIES: 001

On motion of Representative Scheve, **HS SS SCS SBs 867 & 552, as amended,** was read the third time and passed by the following vote:

AYES: 149

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Berkstresser
Black	Blunt	Boatright	Boucher 48	Boykins
Britt	Brooks	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Gunn	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan	Levin
Liese	Linton	Lograsso	Long	Loudon
Luetkemeyer	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Parker
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Townley
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 005

Campbell	Luetkenhaus	Murphy	Patek	Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 008

Ballard	Bennett	Berkowitz	Bonner	Bray 84
Burton	Hagan-Harrell	Stokan		

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Monaco, title to the bill was agreed to.

Representative Smith moved that the vote by which the bill passed be reconsidered.

Representative Shelton moved that motion lay on the table.

The latter motion prevailed.

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 **SS HS HCS HB 1797**, entitled:

An act to repeal section 303.044, RSMo 1994 and sections 302.178, 303.025, 303.026, 303.041, 303.042, 303.190, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an expiration date for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 9, Senate Amendment No. 10

Senate Amendment No. 1

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section 302.178, Line 8 of said page, by inserting before said line the following:

"302.160. When the director of revenue receives notice of a conviction in another state or from a federal court [of an offense on a federal military installation], which, if committed in this state, would result in the assessment of points, [he] **the director** is authorized to assess the points and suspend or revoke the operating privilege when the accumulated points so require as provided in section 302.304."; and

Further amend said bill, Page 6, Section 303.025, Line 9 of said page, by inserting before all of said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal **or federal** traffic ordinance **or regulation** not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 ..... 2 points
(except any violation of municipal stop sign ordinance where no accident is involved ..... 1 point)

(2) Speeding
In violation of a state law ..... 3 points
In violation of a county or municipal ordinance ..... 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo ..... 12 points
In violation of any county or municipal ordinance ..... 6 points

(4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo ..... 4 points
In violation of a county or municipal ordinance ..... 2 points

(5) Operating without a valid license inviolation of subdivision (1) or (2) of subsection

1 of section 302.020:

(a) For the first conviction . . . . . 2 points

(b) For the second conviction . . . . . 4 points

(c) For the third conviction . . . . . 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges . . . . . 12 points

(7) Obtaining a license by misrepresentation . . . . . 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs . . . . . 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of ten-hundredths of one percent or more by weight . . . . . 12 points

(10) For the first conviction for driving with blood alcohol content ten-hundredths of one percent or more by weight

In violation of state law . . . . . 8 points

In violation of a county or municipal ordinance **or federal law or regulation** . . . . . 8 points

(11) Any felony involving the use of a motor vehicle . . . . . 12 points

(12) Knowingly permitting unlicensed operator to operate a motor vehicle . . . . . 4 points

(13) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver improvement program or a motorcycle rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver improvement program or motorcycle rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 18, Section 303.190, Lines 10-25 of said page, by striking said lines; and

Further amend said bill and section, Page 19, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 20, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 21, Lines 1 to 25 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 7 of said page, by striking said lines; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due and which reflects that all taxes, including delinquent taxes from prior years, have been paid, or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year and all delinquent taxes due have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. In the event the registration is a renewal of a registration made two or three years previously, the application shall be accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due**; except when electronic personal property tax data has been provided to the department of revenue, and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid said personal property taxes**. The county or township collector shall not be required to issue a receipt for the immediately preceding tax year until all personal property taxes, including all delinquent taxes currently due, are paid. **If the applicant was a resident of another county of this state in the applicable preceding years, he or she must submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax years.** Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form

of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. **Residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.

4. Beginning July 1, 2000, a county or township collector may notify, by ordinary mail, any owner of a motor vehicle for which personal property taxes have not been paid that if full payment is not received within thirty days the collector may notify the director of revenue to suspend the motor vehicle registration for such vehicle. Any notification returned to the collector by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration. Thereafter, if the owner fails to timely pay such taxes the collector may notify the director of revenue of such failure. Such notification shall be on forms designed and provided by the department of revenue and shall list the motor vehicle owner's full name, including middle initial, the owner's address, and the year, make, model and vehicle identification number of such motor vehicle. Upon receipt of this notification the director of revenue may provide notice of suspension of motor vehicle registration to the owner at the owner's last address shown on the records of the department of revenue. Any suspension imposed may remain in effect until the department of revenue receives notification from a county or township collector that the personal property taxes have been paid in full. Upon the owner furnishing proof of payment of such taxes and paying a twenty dollar reinstatement fee to the director of revenue the motor vehicle or vehicles registration shall be reinstated. In the event a motor vehicle registration is suspended for nonpayment of personal property tax the owner so aggrieved may appeal to the circuit court of the county of his or her residence for review of such suspension at any time within thirty days after notice of motor vehicle registration suspension. Upon such appeal the cause shall be heard de novo in the manner provided by chapter 536, RSMo, for the review of administrative decisions. The circuit court may order the director to reinstate such registration, sustain the suspension of registration by the director or set aside or modify such suspension. Appeals from the judgment of the circuit court may be taken as in civil cases. The prosecuting attorney of the county where such appeal is taken shall appear in behalf of the director, and prosecute or defend, as the case may require.

5. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **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, 2000, shall be invalid and void.**

[301.025. 1. No state registration license to operate any motor vehicle in this state shall be issued unless the application for license of a motor vehicle or trailer is accompanied by a tax receipt for the tax year which immediately precedes the year in which the vehicle's or trailer's registration is due or a statement certified by the county or township collector of the county or township in which the applicant's property was assessed showing that the state and county tangible personal property taxes for such previous tax year have been paid by the applicant or that no such taxes were due or, if the applicant is not a resident of this state and serving in the armed forces of the United States, the application is accompanied by a leave and earnings statement from such person verifying such status. Every county and township collector shall give each person a tax receipt or a certified statement of tangible personal property taxes paid. The receipt issued by the county collector in any county of the first classification with a charter form of government which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county, any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand inhabitants which contains part of a city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any county of the first classification without a charter form of government with a population of at least one hundred ten thousand but less than one hundred fifty thousand inhabitants shall be determined null and void if the person paying tangible personal property taxes issues or passes a check or other similar sight order which is returned to the collector because the account upon which the check or order was drawn was closed or did not have sufficient funds at the time of presentation for payment by the collector to meet the face amount of the check or order. The collector may assess and collect in addition to any other penalty or interest that may be owed, a penalty of ten dollars or five percent of the total amount of the returned check or order whichever amount is greater to be deposited in the county general revenue fund, but in no event shall such penalty imposed exceed one hundred dollars. The collector may refuse to accept any check or other similar sight order in payment of any tax currently owed plus penalty or interest from a person who previously attempted to pay such amount with a check or order that was returned to the collector unless the remittance is in the form of a cashier's check, certified check or money order. If a person does not comply with the provisions of this section, a tax receipt issued pursuant to this section is null and void and no state registration license shall be issued or renewed. Where no such taxes are due each such collector shall, upon request, certify such fact and transmit such statement to the person making the request. Each receipt or statement shall describe by type the total number of motor vehicles on which personal property taxes were paid, and no renewal of any state registration license shall be issued to any person for a number greater than that shown on his or her tax receipt or statement except for a vehicle which was purchased without another vehicle being traded therefor, or for a vehicle previously registered in another state, provided the application for title or other evidence shows that the date the vehicle was purchased or was first registered in this state was such that no personal property tax was owed on such vehicle as of the date of the last tax receipt or certified statement prior to the renewal. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms.

2. Every county collector in counties with a population of over six hundred thousand and less than nine hundred thousand shall give priority to issuing tax receipts or certified statements pursuant to this section for any person whose motor vehicle registration expires in January. Such collector shall send tax receipts or certified statements for personal property taxes for the previous year within three days to any person who pays the person's personal property tax in person, and within twenty working days, if the payment is made by mail. Any person wishing to have priority pursuant to this subsection shall notify the collector at the time of payment of the property taxes that a motor vehicle registration expires in January. Any person purchasing a new vehicle in December and licensing such vehicle in January of the following year, may use the personal property tax receipt of the prior year as proof of payment.

3. In addition to all other requirements, the director of revenue shall not register any vehicle subject to the heavy vehicle use tax imposed by Section 4481 of the Internal Revenue Code of 1954 unless the applicant presents proof of payment, or that such tax is not owing, in such form as may be prescribed by the United States Secretary of the Treasury. No proof of payment of such tax shall be required by the director until the form for proof of payment has been prescribed by the Secretary of the Treasury.]"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"**32.300. In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement, a motor vehicle license renewal system which may be used through the department's Internet web site connection. The online license renewal system shall be available no later than January 1, 2002. The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's Internet web site connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**301.474. 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.**

2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.475. Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.476. Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in desert storm or desert shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license

plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

301.3031. 1. Whenever a vehicle owner pursuant to this chapter makes an application for a military license plate, the director of revenue shall notify the applicant that the applicant may make a voluntary contribution of ten dollars to the World War II memorial trust fund established pursuant to this section. The director shall transfer all contributions collected to the state treasurer for credit to and deposit in the trust fund.

2. There is established in the state treasury the "World War II Memorial Trust Fund". The state treasurer shall credit to and deposit in the World War II memorial trust fund all amounts received pursuant to this section, and any other amounts which may be received from grants, gifts, bequests, the federal government, or other sources granted or given for purposes of this section.

3. The Missouri veterans' commission shall administer the trust fund. The trust fund shall be used to participate in the funding of the National World War II Memorial to be located at a site dedicated on November 11, 1995, on the National Mall in Washington, D.C.

4. The state treasurer shall invest moneys in the trust fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the trust fund shall be credited to the trust fund. The general assembly may appropriate moneys annually from the trust fund to the department of revenue to offset costs incurred for collecting and transferring contributions pursuant to subsection 1 of this section. The provisions of section 33.080, RSMo, requiring all unexpended balances remaining in various state funds to be transferred and placed to the credit of the ordinary revenue fund of this state at the end of each biennium shall not apply to the trust fund.

301.3053. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. A fee for the issuance of personalized license plates pursuant to section 301.144, shall not be required for plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long

as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.3055. 1. Any person who wishes to pay tribute to those persons who were prisoners of war or those now listed as missing in action may apply for specialized motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to other registration fees and documents which may be required by law, the director of revenue shall issue a specialized license plate which shall have the words "MISSOURI REMEMBERS" on the license plates in preference to the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such license plate shall also bear the POW/MIA insignia. The license plate authorized by this section shall be made with a fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

301.3062. 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorize the use of their official emblem to be affixed on multi-year personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. A fee for the issuance of personalized license plates issued pursuant to section 301.144, shall not be required for plates issued pursuant to this section.

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by inserting after all of said line the following:

"**301.3051. 1. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) living within the state of Missouri and who has a motor vehicle which complies with the provisions of section 303.025, RSMo, may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this**

section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen-dollar fee in addition to the registration fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7 by inserting at the end of said line the following:

"**301.3041. 1. The Wilson's Creek National Battlefield Foundation may authorize the use of its official emblem to be applied on multi-year personalized license plates as provided in this section.**

2. Any contribution to the Wilson's Creek National Battlefield Foundation derived from this section, except reasonable administrative costs, shall be used for the purpose of promoting and supporting the objectives of the Wilson's Creek National Battlefield Park. Any vehicle owner may annually apply to the foundation for use of the emblem. Upon annual application and payment of a twenty-five dollar emblem use contribution to the foundation, the foundation shall issue to the vehicle owner, without further charge, an "emblem use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration.

3. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the seal, emblem or logo of the foundation, to the vehicle owner. The license plate authorized by this section shall use a process to ensure that the emblem shall be displayed upon the license plate in the clearest and most attractive manner possible. The license plate authorized by this section shall be issued with a design approved by both the foundation and the director of revenue. Such license plates shall be made with fully reflective material with a common color scheme and design and shall be aesthetically attractive, as prescribed by section 301.130.

4. A vehicle owner who was previously issued a plate with an institutional emblem authorized by this section and who does not provide an emblem use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the emblem, as otherwise provided by law."; and

Further amend title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1797, Page 1, Section A, Line 7, by adding immediately after the end of said line the following:

"32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue for the purposes of bulk distribution for surveys, marketing and solicitations. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

[32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible pursuant to this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

6. Any clear, accurate and nontransient output of a record of ownership, lien or satisfaction of a lien maintained electronically by the director of revenue as permitted in sections 301.600 to 301.640, RSMo, shall be deemed to be an original record for all purposes and shall be admissible in evidence in all courts or administrative agencies. A facsimile, exemplification or certified copy thereof, shall be deemed to be a transcript, exemplification or certified copy of the original.

7. Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.]

32.080. 1. Notwithstanding other provisions of law, the director of revenue may destroy motor vehicle, driver's license, or tax reports, returns and other related documents at any time if such reports, returns, and other related documents have been photographed, microphotographed, electronically generated, electronically recorded, photostated, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details.

2. The reproductions so made may be used as permanent records of the original. When microfilm or a similar reproduction is used as a permanent record by the director of revenue, one copy shall be stored in a fireproof vault and other copies may be made for use by any person entitled thereto. All reproductions shall retain the same confidentiality as is provided in the law regarding the original record.

3. Such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall be deemed to be an original record for all purposes, and shall be admissible in evidence in all courts or administrative agencies. A transcript, exemplification or certified copy of any motor vehicle, driver's license or tax reports, records, returns and other related documents made from such photostatic copy, photograph, microphotograph, electronically generated, electronically recorded, or other process copy shall, for all purposes be deemed to be a transcript, exemplification or certified copy of the original and shall be admissible in evidence in all courts or administrative agencies. No document shall be admissible under this section unless the offeror shall comply with section 490.692, RSMo.

4. Reproductions made of motor vehicle, driver's license, or tax reports, returns and related documents hereunder shall be preserved for four years and thereafter until the director of revenue orders them to be destroyed.

5. Notwithstanding other provisions of law, the department of revenue may allow the electronic filing**, issuance or renewal** of any motor vehicle, driver's license, or tax records, reports, returns and other related documents. **All restrictions imposed by law that apply to the disclosure of information by the department of revenue shall also apply to any persons or entities contracting with the director of the department of revenue to provide electronic filing, issuance or renewal services. Notwithstanding other provisions of law, any online access or access via other electronic means granted to such persons or entities may be limited to the persons or entities providing such electronic filing, issuance or renewal services.**

6. A transcript, exemplification or certified copy of any electronically filed motor vehicle, driver's license or tax reports, records, returns and other related document upon certification of the director of revenue shall be admissible in evidence in all courts or administrative agencies without further proof. "Records, reports, returns, and other related documents" include, but are not limited to, papers, documents, facsimile information, microphotographic process, electronically generated or electronically recorded information, deposited or filed with the department of revenue.

[6.] **7.** Notwithstanding other provisions of law, the department of revenue may determine alternative methods for the signing, subscribing or verifying of a record, report, return, application, driver's license, or other related document that shall have the same validity and consequences as the actual signing by the person providing the record, report, return, or related document.

[7.] **8.** The director of revenue may renew motor vehicle registrations by electronic means when the information, fees and documents required by chapters 301, 303 and 307, RSMo, to accompany such application are provided to the director electronically in a format prescribed by the director of revenue.

[8.] **9.** The director of revenue may prescribe rules and regulations for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 1, 2000, if it fully complied with the provisions of chapter 536, 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 July 1, 2000, shall be invalid and void.

32.090. 1. The department of revenue shall keep a record of each application or other document filed with it and each certificate or other official document issued by it.

2. Except as otherwise provided by law, all records of the department of revenue are public records and shall be made available to the public according to procedures established by the department.

3. [Except as otherwise provided by law,] Personal information obtained by the department shall **not** be disclosed to any person requesting such personal information [if the individual whose personal information is requested has not elected to prohibit the disclosure of such personal information pursuant to] **except as provided in** section 32.091.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, Social Security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of

Title 18 of the United States Code [in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section]**, as amended by Public Law 106-69, Section 350, only if the department has obtained the express consent of the person to whom such personal information pertains**.

3. [A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.] **Notwithstanding any other provisions of law to the contrary, the department of revenue shall not disseminate a person's driver's license photograph, Social Security number and medical or disability information from a motor vehicle record, as defined in section 2726(1) of Title 18 of the United States Code without the express consent of the person to whom such information pertains, except for uses permitted under Sections 2721(b)(1), 2721(b)(4), 2721(b)(6) and 2721(b)(9) of Title 18 of the United States Code.**

4. [Notwithstanding any other provision of law to the contrary,] The department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to Sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code **except for the personal information described in subsection 3 of this section**.

5. Pursuant to Section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. [It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy.]

6. This section is not intended to limit media access to any personal information when such access is provided by agencies or entities in the interest of public safety and is otherwise authorized by law."; and

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

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 **SA 1** to **SCA 1, SCA 1, as amended,** and **SA 1** to **HCS HB 1967** and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 922, as amended**, and requests that the House recede from its position or, 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 refuses to recede from its position on **SCS HS HB 1238, as amended,** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like committee from the House: Senators Mathewson, Quick, Johnson, Childers and Mueller.

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 **HCS SS SCS SB 763, as amended**: Senators Howard, DePasco, Maxwell, Childers and Klarich.

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 **SCS HB 1948**, and has taken up and passed **CCS SCS HB 1948**.

On motion of Representative Crump, 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 Kreider.

RESOLUTIONS

Representative Boucher offered House Resolution No. 1686 and House Resolution No. 1687.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1632 and House Resolution No. 1633	-	Representative Bartelsmeyer
House Resolution No. 1634	-	Representative Hartzler (124)
House Resolution No. 1635	-	Representative Backer, et al
House Resolution No. 1636	-	Representative McClelland, et al
House Resolution No. 1637	-	Representative Surface
House Resolution No. 1638 through House Resolution No. 1680	-	Representative Cierpiot
House Resolution No. 1681	-	Representative Purgason
House Resolution No. 1682	-	Representative Pouche
House Resolution No. 1683	-	Representative Kelly (27)
House Resolution No. 1684	-	Representative Enz
House Resolution No. 1685	-	Representative Treadway, et al
House Resolution No. 1688	-	Representative Fitzwater
House Resolution No. 1689	-	Representatives Gaw and Berkowitz, et al
House Resolution No. 1690	-	Representative Gaw
House Resolution No. 1691 and House Resolution No. 1692	-	Representative Lawson, et al
House Resolution No. 1693 and House Resolution No. 1694	-	Representative Boucher

BILL CARRYING REQUEST MESSAGE

HCS SB 922, as amended, relating to retirement benefits, was taken up by Representative Hagan-Harrell.

Representative Hagan-Harrell moved that the House refuse to recede from its position on **HCS SB 922, as amended,** and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE CONCURRENT RESOLUTION

SCR 39, relating to printing of acts, was stricken from the calendar.

HCS SCR 37, relating to River Delta Authority, was taken up by Representative Williams (159).

Representative Williams (159) offered **HS HCS SCR 37**.

House Substitute
for
House Committee Substitute
for
Senate Concurrent Resolution No. 37

WHEREAS, the President of the United States has proposed the creation of a Delta Regional Authority; and

WHEREAS, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and to provide the infrastructure and job training needed to make prosperity possible in the Delta; and

WHEREAS, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the Delta area:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Regional Authority"; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall make recommendations to the General Assembly regarding policy development, prioritization of funding based upon poverty, joblessness, lack of job availability, literacy rates and level of education, and programs and interstate compacts; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority may accept general revenue and other funds as may be appropriated to it; and

BE IT FURTHER RESOLVED that the Missouri Commission on the Delta Regional Authority shall be composed of one county commissioner or designee from each of the following central counties designated by the Lower Mississippi Delta Commission of Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Butler, one of Missouri's representatives on the board of the lower Mississippi delta development center appointed by the governor, one member of the public chosen to represent the interests of agriculture appointed by the governor, one member of the public to represent business and industry appointed by the governor, and one member of the public to represent

education appointed by the governor, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the central county region designated by the Lower Mississippi Delta Development Commission, two members of the house of representatives, appointed by the speaker of the house, who represent districts within the affected area designated by the Lower Mississippi Delta Development Commission, one member of the senate, appointed by the president pro tem of the senate, who represents a district within the central county region designated by the Lower Mississippi Delta Development Commission, and the following ex officio members: the directors of the departments of economic development, transportation and agriculture, the director of the family investment trust, the commissioner of education, the commissioner of higher education, one member of the board of the Lower Mississippi River Delta Center; and

BE IT FURTHER RESOLVED that the department of economic development shall provide professional, legal and clerical staff for the Missouri Commission on the Delta Regional Authority; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Mel Carnahan.

On motion of Representative Williams (159), **HS HCS SCR 37** was adopted.

On motion of Representative Williams (159), **HS HCS SCR 37** was read the third time and passed by the following vote:

AYES: 145

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Campbell	Champion	Cierpiot	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Lograsso	Long	Loudon
Luetkemeyer	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	Ostmann	Overschmidt	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

Ballard	Brooks	Burton	Chrismer	Crawford
Graham 24	Hartzler 124	Linton	Luetkenhaus	O'Toole
Relford	Sallee	Scheve	Shields	Stokan
Townley	Williams 121			

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Wiggins, title to the bill was agreed to.

Representative Green moved that the vote by which the bill passed be reconsidered.

Representative Hosmer moved that motion lay on the table.

The latter motion prevailed.

THIRD READING OF SENATE BILL - INFORMAL

HCS SCS SB 894, relating to delinquent property tax, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HCS SCS SB 894**.

Representative Williams (159) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 2, Section A, Line 17 of said page, by inserting after all of said line the following:

"32.105. As used in sections 32.100 to 32.125, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Size of Household	Percent of State or Geographic Area Family Median Income
One Person	35%

Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275, RSMo;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Economic development", the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the business development projects will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense-related contracting to nondefense-oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed four million dollars from within any one fiscal year's allocation. Neighborhood assistance program tax credits for economic development projects and affordable housing assistance as defined in section 32.111, may be transferred, sold or assigned by a notarized endorsement thereof naming the transferee;

(10) "Education", any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables the individual to prepare himself or herself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

(11) "Eligible farmer's market", a group of farmers, each of whom farms agricultural land located within this state which he or she rents or owns, and who have formed a group for the purpose of allowing each member farmer to sell his or her products derived from his or her farming activities to the public at a common structure or building when at least fifty percent of the costs of such structure or building are paid for by such group of farmers;

(12) "Eligible new generation cooperative", as defined in section 348.340, RSMo;

[11] **(13)** "Homeless assistance pilot project", the program established pursuant to section 32.117;

[(12)] **(14)** "Job training", any type of instruction to an individual who resides in the state of Missouri that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment;

[(13)] **(15)** "Neighborhood organization", any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation pursuant to the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation pursuant to the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964; **or**

(d) Contributing funds to help finance a building or structure or purchase equipment located within this state and used to sell agricultural food products or to add value to food products produced in this state by members of an eligible new generation cooperative; or contributing funds to help finance a building or structure or purchase equipment owned by a not-for-profit organization located within this state and used to sell agricultural food products or to add value to food products produced by family farms as defined in subdivision (4) of section 350.010, RSMo, or family farm corporations as defined in subdivision (5) of section 350.010, RSMo;

[(14)] **(16)** "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] **(17)** "S corporation", a corporation described in Section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo;

[(16)] **(18)** "Workfare renovation project", any project initiated pursuant to sections 215.340 to 215.355, RSMo.

32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, **eligible farmers' markets** or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal funding. **The total amount of tax credits allowed for programs of neighborhood organizations defined pursuant to paragraph (d) of subdivision (15) of section 32.105 is two and one-half million dollars per fiscal year for fiscal years 2002 to 2006.**"; and

Further amend said bill, Page 139, Section 260.210, Line 37 of said page, by inserting after all of said line the following:

"**261.032. The director of the department of agriculture shall, for the use of the marketing division of the department of agriculture, develop and implement rules and regulations by product category for all Missouri agricultural products included in the AgriMissouri marketing program or any equivalent successor program. 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,**

2000, shall be invalid and void.

261.037. 1. There is hereby created in the state treasury for the use of the marketing division of the state department of agriculture a fund to be known as "The Missouri Agricultural Products Marketing Development Fund". The general assembly shall appropriate to the fund from the general revenue fund one million three hundred thousand dollars for fiscal year 2002, one million dollars for fiscal year 2003 and seven hundred fifty thousand dollars for fiscal years 2004 to 2006. All moneys received by the state department of agriculture for Missouri agricultural products marketing development from any source, including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the state department of agriculture, be expended by the marketing division of the state department of agriculture for purposes of Missouri agricultural products marketing development as specified in this section. The unexpended balance in the Missouri agricultural products marketing development fund at the end of the biennium shall not be transferred to the ordinary revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

2. There is hereby created within the department of agriculture the "Citizens' Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines for the spending by the marketing division of the department of agriculture of all moneys in the Missouri agricultural products marketing development fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri or successor trademark associated with Missouri agricultural products which has been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners.

The commission shall establish a fee structure for sellers electing to use the AgriMissouri or successor trademark associated with Missouri agricultural products. Under the fee structure: (1) A seller having gross annual sales greater than two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark; and (2) All sellers having gross annual sales less than or equal to two million dollars per fiscal year of Missouri agricultural products which constitute the final product of a series of processes or activities shall, after three years of selling Missouri agricultural products carrying the AgriMissouri or successor trademark, shall remit to the marketing division of the department of agriculture, at such times and in such manner as may be prescribed, a trademark fee of one-half of one percent of the aggregate amount of all of such seller's wholesale sales of products carrying the AgriMissouri or successor trademark. All trademark fees shall be deposited to the credit of the Missouri agricultural products marketing development fund, created pursuant to section 261.037. The commission may also create two additional trademark labels to be associated with Missouri agricultural products which are certified organic products and certified family farm produced products.

3. The marketing division of the department of agriculture is authorized to promote rules consistent with the guidelines and fee structure established by the commission. No rule or portion of a rule shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The commission shall consist of nine members appointed by the governor with the advice and consent of the senate. One member shall be the director of the market development division of the department of agriculture. At least one member shall be a specialist in advertising; at least one member shall be a specialist in agribusiness; at least one member shall be a specialist in the retail grocery business; at least one member shall be a specialist in communications; at least one member shall be a specialist in product distribution; at least one member shall be a family farmer with expertise in livestock farming; at least one member shall be a family farmer with expertise in grain farming and at least one member shall be a family farmer with expertise in organic farming. Members shall serve for four-year terms, except in the first appointments three members shall be appointed for terms of four years, three members shall be appointed for terms of three years and three

members shall be appointed for terms of two years each. Any member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder of the term of the member causing the vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by the commission.

5. Commission members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties on the commission. The division of market development of the department of agriculture shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts and to conduct all other business of the commission. The commission shall meet quarterly and at any such time that it deems necessary. Meetings may be called by the chairperson or by a petition signed by a majority of the members of the commission. Ten days notice shall be given in writing to such members prior to the meeting date. A simple majority of the members of the commission shall be present to constitute a quorum. Proxy voting shall not be permitted.

261.038. The marketing division of the department of agriculture shall create an Internet web site for the purpose of fostering the marketing of Missouri agricultural products over the Internet. The web site shall allow consumers to place orders for Missouri agricultural products over the Internet and shall enable small companies which process Missouri agricultural products to pool products with other such small companies.

261.110. 1. The department of agriculture shall develop standards and labeling for organic farming.

2. The department of agriculture shall adopt rules to implement the provisions of this section.

3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

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

On motion of Representative Williams (159), **House Amendment No. 1** was adopted.

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 159, Section C, Line 39 of said page, by inserting after all of said line the following:

"Section D. Sections 381.011, 381.021, 381.041, 381.051, 381.061, 381.081, 381.091, 381.101, 381.111, 381.121, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221 and 381.241, RSMo 1994, and sections 381.031 and 381.231, RSMo Supp. 1999, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 381.003, 381.009, 381.015, 381.018, 381.022, 381.025, 381.028, 381.032, 381.035, 381.038, 381.042, 381.045, 381.048, 381.052, 381.055, 381.058, 381.062, 381.065, 381.068, 381.072, 381.075, 381.078, 381.085, 381.088, 381.092, 381.095, 381.098, 381.102, 381.105, 381.108, 381.112, 381.115, 381.118, 381.122, 381.125, 381.410 and 381.412, to read as follows:

381.003. 1. Sections 381.003 to 381.125 shall be known and may be cited as the "Missouri Title Insurance Act".

2. Sections 381.009 to 381.048 shall apply to all persons engaged in the business of title insurance in this state. Sections 381.052 to 381.112 shall apply to all title insurers engaged in the business of title insurance in this state. Sections 381.115 to 381.125 shall apply to all title agencies engaged in the business of title insurance in this state.

3. Except as otherwise expressly provided in this chapter and except where the context otherwise requires, all provisions of the insurance code applying to insurance and insurance companies generally shall apply to title insurance, title insurers and title agents.

381.009. As used in this chapter, the following terms mean:

(1) "Abstract of title" or "abstract", a written history, synopsis or summary of the recorded instruments affecting the title to real property;

(2) "Affiliate", a specific person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;

(3) "Affiliated business", any portion of a title insurance agency's business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer, where the producer or associate, or both, have a financial interest in the title agency;

(4) "Associate", any:

(a) Business organized for profit in which a producer of title business is a director, officer, partner, employee or an owner of a financial interest;

(b) Employee of a producer of title business;

(c) Franchisor or franchisee of a producer of title business;

(d) Spouse, parent or child of a producer of title insurance business who is a natural person;

(e) Person, other than a natural person, that controls, is controlled by, or is under common control with, a producer of title business;

(f) Person with whom a producer of title insurance business or any associate of the producer has an agreement, arrangement or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to that producer or associate for the referral of business;

(5) "Bona fide employee of the title insurer", an individual who devotes substantially all of his or her time to performing services on behalf of a title insurer and whose compensation for those services is in the form of salary or its equivalent paid by the title insurer;

(6) "Control", including the terms "controlling", "controlled by" and "under common control with", the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position or corporate office held by the person. Control shall be presumed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing ten percent or more of the voting securities of another person. This presumption may be rebutted by showing that control does not exist in fact. The director may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;

(7) "County" or "counties" includes any city not within a county;

(8) "Direct operations", that portion of a title insurer's operations which are attributable to business written by a bona fide employee;

(9) "Director", the director of the department of insurance, or the director's representatives;

(10) "Escrow", written instruments, money or other items deposited by one party with a depository, escrow agent or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event;

(11) "Escrow, settlement or closing fee", the consideration for supervising or handling the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(12) "Financial interest", a direct or indirect legal or beneficial interest, where the holder is or will be entitled to five percent or more of the net profits or net worth of the entity in which the interest is held;

(13) "Foreign title insurer", any title insurer incorporated or organized pursuant to the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(14) "Geographically indexed or retrievable", a system of keeping recorded documents which includes as a component a method for discovery of the documents by:

(a) Searching an index arranged according to the description of the affected land; or

(b) An electronic search by description of the affected land;

(15) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the director, and maintained by the insurer;

(16) "Non-U.S. title insurer", any title insurer incorporated or organized pursuant to the laws of any foreign nation or any province or territory;

(17) "Premium", the consideration paid by or on behalf of the insured for the issuance of a title insurance policy or any endorsement or special coverage. It does not include consideration paid for settlement or escrow services or noninsurance-related information services;

(18) "Producer", any person, including any officer, director or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security;

(19) "Qualified depository institution", an institution that is:

(a) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed pursuant to the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(b) Regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

(c) Insured by the appropriate federal entity; and

(d) Qualified under any additional rules established by the director;

(20) "Referral", the directing or the exercising of any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral;

(21) "Search", "search of the public records" or "search of title", a search of those records established by the laws of this state for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge;

(22) "Security" or "security deposit", funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage;

(23) "Subsidiary", an affiliate controlled by a person directly or indirectly through one or more intermediaries;

(24) "Title agency" means an authorized person who issues title insurance on behalf of a title insurer. An attorney licensed to practice law in this state who issues title insurance as a part of his or her law practice, but does not maintain or operate a title insurance business separate from such law practice is not a title agency;

(25) "Title agent" or "agent", an attorney licensed to practice law in this state who issues title insurance as part of his or her law practice, but who is not affiliated with or acting on behalf of a title agency, or an authorized person who, on behalf of a title agency or on behalf of a title agent not affiliated with a title agency, performs one or more of the following acts in conjunction with the issuance of a title insurance commitment or policy:

(a) Determines insurability, based upon a review of a search of title;

(b) Performs searches;

(c) Handles escrows, settlements or closings; or

(d) Solicits or negotiates title insurance business;

(26) "Title insurance business" or "business of title insurance":

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer any of the following activities when conducted or performed in contemplation of and in conjunction with the issuance of a title insurance policy:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units and proprietary leases and for all liens or charges affecting the same;

c. Handling of escrows, settlements or closings;

d. Executing title insurance policies;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching or examining titles;

(c) Guaranteeing, warranting or insuring searches or examinations of title to real property or any interest in real property;

(d) Guaranteeing or warranting the status of title as to ownership of or liens on real property by any person other than the principals to the transaction;

(e) Promising to purchase or repurchase for consideration an indebtedness because of a title defect, whether or not involving a transfer of risk to a third person; or

(f) Promising to indemnify the holder of a mortgage or deed of trust against loss from the failure of the

borrower to pay the mortgage or deed of trust when due if the property fails to yield sufficient proceeds upon foreclosure to satisfy the debt, when one or both of the following conditions exist:

a. The security has been impaired by the discovery of a previously unknown property interest in favor of one who is not liable for the payment of the mortgage or deed of trust; or

b. Perfection of the position of the mortgage or deed of trust which was assured to exist cannot be obtained, notwithstanding timely recordation with the recorder of deeds of the county in which the property is located; or

(g) Doing or proposing to do any business substantially equivalent to any of the activities listed in this subdivision in a manner designed to evade the provisions of this chapter;

(27) "Title insurance commitment" or "commitment", a preliminary report, commitment or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions and other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy. A title insurance commitment is not an abstract of title;

(28) "Title insurance policy" or "policy", a contract insuring or indemnifying owners of, or other persons lawfully interested in, real property or any interest in real property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(a) Title to the estate or interest in land being otherwise than as stated in the policy;

(b) Defects in or liens or encumbrances on the insured title;

(c) Unmarketability of the insured title;

(d) Lack of legal right of access to the land;

(e) Invalidity or unenforceability of the lien of an insured mortgage;

(f) The priority of a lien or encumbrance over the lien of any insured mortgage;

(g) The lack of priority of the lien of an insured mortgage over a statutory lien for services, labor or material;

(h) The invalidity or unenforceability of an assignment of the insured mortgage; or

(i) Rights or claims relating to the use of or title to the land;

(29) "Title insurer" or "insurer", a company organized pursuant to laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in this state to transact the business of title insurance;

(30) "Title plant", a set of records encompassing at least the most recent forty-five years, consisting of documents, maps, surveys or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained. The records in the title plant shall be geographically indexed or retrievable as to those records containing a legal description of affected land, and otherwise by name of affected person;

(31) "Underwrite", the authority to accept or reject risk on behalf of the title insurer.

[381.011. 1. Sections 381.011 to 381.241 shall be known and may be cited as the "Missouri Title Insurance Act".

2. The purpose of sections 381.011 to 381.241 is to provide the state of Missouri with a comprehensive body of law for the effective regulation and supervision of title insurance business transacted within this state in response to the McCarran-Ferguson Act, Sections 1011-1015, Title 15, United States Code.]

381.015. 1. When a title insurance commitment issued by a title insurer, title agency or title agent includes an offer to issue an owner's policy covering the resale of owner-occupied residential property, the commitment shall incorporate the following statement in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered."

2. A title insurer, title agency or title agent issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the real estate securing the loan, where no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the director, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain that a lender's title insurance policy is to be issued protecting the mortgage-lender, and that the policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased. The notice shall explain what a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy. The notice shall also explain

that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages are or amount of insurance is not then known. A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least fifteen years after the effective date of the policy.

3. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

381.018. 1. The title insurer shall not allow the issuance of its commitments or policies by a title agency or title agent not affiliated with a title agency unless there is in force a written contract between the parties which sets forth the responsibilities of each party or, where both parties share responsibility for particular functions, specifies the division of responsibilities.

2. For each title agency or title agent not affiliated with a title agency under contract with the insurer, the title insurer shall have on file a statement of financial condition, of each title agency or title agent as of the end of the previous calendar or fiscal year setting forth an income statement of business done during the preceding year and a balance sheet showing the condition of its affairs as of the close of the prior year, certified by the agency or agent as being a true and accurate representation of the agency's or agent's financial condition. The statement shall be filed with the insurer no later than the date the agency's or agent's federal income tax return for the same year is filed. Attorneys actively engaged in the practice of law, in addition to that related to title insurance business, are exempt from the requirements of this subsection.

3. The title insurer shall conduct reviews of the underwriting, claims and escrow practices of its agencies and agents which shall include a review of the agency's or agent's policy blank inventory and processing operations. If any such title agency or title agent does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or title agent not affiliated with a title agency. The title insurer shall conduct a review of each of its agencies and agents at least triennially commencing January first of the year first following the effective date of sections 381.003 to 381.125.

4. Within thirty days of executing or terminating a contract with a title agency or title agent not affiliated with a title agency, the insurer shall provide notification of the appointment or termination and the reason for termination to the director. Notices of appointment of a title agency or title agent shall be made on a form promulgated by the director.

5. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency.

6. The title insurer shall have on file proof that the title agency or title agent is licensed by this state.

7. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency.

8. Each violation of any provision of this section is a class B violation as that term is defined in section 381.045.

[381.021. 1. Sections 381.011 to 381.241 shall apply to all persons engaged in the business of title insurance in this state.

2. Except as otherwise expressly provided in sections 381.011 to 381.241, and except where the context otherwise requires, all provisions of the insurance laws of this state applying to insurance and insurance companies generally shall apply to title insurance and title insurance companies. No law of this state enacted after September 28, 1987, that is inconsistent with the provisions of such sections shall be applicable to the business of title insurance unless such law specifically states that it is to be applicable to the business of title insurance.

3. Nothing in sections 381.011 to 381.241 shall be construed to authorize the practice of law by any person who is not duly admitted to practice law in this state nor shall it be construed to authorize the director to regulate the practice of law or the sale of real estate.]

381.022. 1. A title insurer, title agency or title agent not affiliated with a title agency may operate as an escrow, security, settlement or closing agent, provided that:

(1) All funds deposited with the title insurer, title agency or title agent not affiliated with a title agency in connection with any escrow, settlement, closing or security deposit shall be submitted for collection to or deposited in a separate fiduciary trust account or accounts in a qualified depository institution no later than the close of the next business day after receipt, in accordance with the following requirements:

(a) The funds shall be the property of the person or persons entitled to them under the provisions of the

escrow, settlement, security deposit or closing agreement and shall be segregated for each depository by escrow, settlement, security deposit or closing in the records of the title insurer, title agency or title agent not affiliated with a title agency, in a manner that permits the funds to be identified on an individual basis and in accordance with the terms of the individual instructions or agreements under which the funds were accepted; and

(b) The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted;

(2) Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction;

(3) Funds held in a security deposit account shall be disbursed only pursuant to a written agreement specifying:

(a) What actions the indemnitor shall take to satisfy his or her obligation under the agreement;

(b) The duties of the title insurer, title agency or title agent not affiliated with a title agency with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(c) Any other provisions the director may require;

(4) Any interest received on funds deposited in connection with any escrow, settlement, security deposit or closing may be retained by the title insurer, title agency or title agent not affiliated with a title agency as compensation for administration of the escrow or security deposit, unless the instructions for the funds or a governing statute provides otherwise;

(5) Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. The title agency or title agent not affiliated with an agency shall cooperate with its underwriters in the conduct by the underwriters of reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts. The title insurer shall provide a copy of the report of each such review it performs to the director. The director may promulgate rules setting forth the minimum threshold level at which a review would be required, the standards thereof and the form of report required.

3. If the title agency or title agent not affiliated with an agency is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow or closing settlement services, the title agency or title agent shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title agency or title agent.

4. (1) Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction in which a title insurer, title agency or title agent not affiliated with a title agency is the settlement agent, provided all parties to whom payment will become due upon such recording consent thereto in writing;

(2) The settlement agent shall record all deeds and security instruments for real estate closings handled by it within three business days after completion of all conditions precedent thereto;

(3) Each violation of this subsection is a class C violation as that term is defined in section 381.045.

381.025. 1. A title insurer, title agency, title agent or other person shall not give or receive, directly or indirectly, any consideration for the referral of title insurance business or escrow or other service provided by a title insurer, title agency or title agent. Each violation of this subsection is a class A violation as that term is defined in section 381.045.

2. Any title insurer, title agency or title agent doing business in the same county as a title insurer, title agency or title agent who may be in violation of the prohibitions or limitations of this section shall have standing to seek injunctive relief against the violating title insurer, title agency or title agent in the event the department declines or fails to enforce this section within forty-five days following receipt of written notice of such violation. In any action pursuant to this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

381.028. No title insurer, title agency or title agent shall participate in any transaction in which it knows that a producer or other person requires, directly or indirectly, or through any trustee, director, officer, agent, employee or affiliate, as a condition, agreement or understanding to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title agency or agent. Each violation of this section is a class A violation as that term is defined in section 381.045.

[381.031. As used in sections 381.011 to 381.241, the following terms mean:

(1) "Alien title insurer", any title insurer incorporated or organized under the laws of any foreign nation or any province or territory thereof;

(2) "Applicant", a person, whether or not a prospective insured, who applies to a title insurer or title agent, or agency for a title insurance policy and who, at the time of the application, is not a title agent or agency;

(3) "Approved attorney", an attorney at law who is not an agent or employee of a title insurer, and whose certification as to status of title a title insurer is willing to accept as the basis for issuance of its title insurance policy;

(4) "Charge", any fee billed by a title agent, agency, or title insurer for the performance of services other than fees that fall within the definition of premium in this section. "Charge" includes, but is not limited to, fees for document preparation, fees for the handling of escrows, settlements, or closing, and fees for services commenced but not completed. "Charge" does not include fees collected by a title insurer, title agency, or title agent in an escrow, settlement or closing when the fees are limited to the amount billed for services rendered by an entity independent of the title insurer, title agent, or agency;

(5) "Controlled business", any portion of a title insurer's, title agency's or title agent's business of title insurance in this state, referred to it by any producer of title business or by any associate of such producer, where the producer of title business, the associate, or both, have a financial interest in the title insurer, title agency, or title agent to which business is referred;

(6) "Director", the director of the department of insurance;

(7) "Domestic title insurer", a title insurer organized under the laws of this state;

(8) "Escrow, settlement or closing fee", the consideration for supervising the actual execution, delivery or recording of transfer and lien documents and for disbursing funds;

(9) "Financial interest", any interest, legal or beneficial, that entitles the holder directly or indirectly to one percent or more of the net profits or net worth of the entity in which the interest is held, but does not include payments of principal or interest made to a mortgage holder of the title agency;

(10) "Foreign title insurer", any title insurer organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States;

(11) "Gross operating revenue", all amounts received by a title insurer, title agency, or title agent from premiums and charges;

(12) "Net retained liability", the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded reinsured liability, if any;

(13) "Person", any natural person, partnership, association, cooperative, corporation, trust, or other legal entity;

(14) "Premium", risk rates charged to the insured;

(15) "Producer of title business" or "producer", any person, including any officer, director, or owner of five percent or more of the equity or capital of any person, engaged in this state in the trade, business, occupation or profession of:

(a) Buying or selling interests in real property;

(b) Making loans secured by interests in real property; or

(c) Acting as broker, agent, representative or attorney of a person who buys or sells any interest in real property or who lends or borrows money with such interest as security;

(16) "Single risk", the insured amount of any title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest, a payment under which reduces the insured amount of a fee or leasehold title insurance policy, shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgagee title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy;

(17) "Title agent" or "title insurance agent", any authorized agent of a title insurer or representative of the title agent or agency, who acts as a title agent in the solicitation of, negotiation for, or procurement or making of any title insurance contract. The following persons are not title agents or title insurance agents:

(a) Approved attorneys;

(b) Salaried officers or employees of title insurers, title agents or title insurance agencies who do not do any of the following:

a. Establish premiums for policies of title insurance;

b. Determine insurability; or

c. Issue commitments, policies or other contracts of title insurance;

(18) "Title insurance agency" or "agency", any individual transacting or doing business under any name other than his true name, any partnership, unincorporated association or corporation, transacting or doing business with the public or title insurance companies as a title insurance agent;

(19) "Title insurance business" or "business of title insurance" means:

(a) Issuing as insurer or offering to issue as insurer a title insurance policy;

(b) Transacting or proposing to transact by a title insurer, title agency, or title agent any of the following activities when conducted or performed by a title agent, title agency, or title insurer in conjunction with the issuance of its title insurance:

a. Soliciting or negotiating the issuance of a title insurance policy;

b. Guaranteeing, warranting, or otherwise insuring the correctness of title searches;

c. Handling of escrows, settlements, or closings;

d. Execution of title insurance policies, reports, commitments, binders, and endorsements;

e. Effecting contracts of reinsurance; or

f. Abstracting, searching, or examining titles;

(c) Transacting by a title insurer, title agent, or agency of matters subsequent to the issuance of a title insurance policy and arising out of it; or

(d) Doing or proposing to do any business in substance equivalent to any of the foregoing in order to evade any provision of this act;

(20) "Title insurance policy" or "policy", a contract insuring or indemnifying against loss or damage arising from any or all of the following:

(a) Defects in or liens or encumbrances on the insured title;

(b) Unmarketability of the insured title; or

(c) Invalidity or unenforceability of liens or encumbrances on the stated property.

"Title insurance policy" does not include a preliminary report, binder, commitment, or abstract;

(21) "Title insurer", a company organized under laws of this state for the purpose of transacting as insurer the business of title insurance and any foreign or alien title insurer engaged in this state in the business of title insurance as insurer;

(22) "Title plant", an index of the records of a county which imparts constructive notice to purchasers of real property, which encompasses at least the most recent forty-five years. The index shall be kept geographically as to those records containing a legal description of affected land, and otherwise by name of affected person.]

381.032. 1. No title insurer, may charge any rates regulated by the state after the effective date of sections 381.003 to 381.125, except in accordance with the premium rate schedule and manual filed with and approved by the director in accordance with applicable statutes and regulations governing rate filings. Premium rate schedules in effect prior to the effective date of sections 381.003 to 381.125 may be used until new rate schedules have been approved by the director. Title insurers shall file their premium rate schedules within thirty days after the effective date of sections 381.003 to 381.125. Each violation of this subsection is a class C violation as that term is defined in section 381.045. Nothing in this section shall prevent an agent not affiliated with an agency from charging for services that constitute the practice of law at the customary fee charged by such person for legal services. To the extent the premium fails to compensate the agent at such rate, the agent may render an additional bill for such services on behalf of the agent's law practice or law firm. The acceptance of any part of the premium by the law firm of said agent shall not be a violation of any provision of the Missouri Title Insurance Act or the general insurance statutes, regulations or bulletins regarding payment of commissions to nonlicensed entities.

2. The director may establish rules, including rules providing statistical plans, for use by all title insurers, title agencies and title agents in the recording and reporting of revenue, loss and expense experience in such form and detail as is necessary to aid the director in the establishment of rates and fees.

3. The director may require that the information provided pursuant to this section be verified by oath of the insurer's or agency's president or vice president or secretary or actuary, as applicable. The director may further require that the information required pursuant to this section be subject to an audit conducted at the expense of the title insurer or title agency by an independent certified public accountant. The director shall have the authority to establish a minimum threshold level at which an audit would be required.

4. Information filed with the director relating to the experience of a particular agency shall be kept confidential unless the director finds it in the public interest to disclose the information required of title insurers or title agencies pursuant to this section. Prior to any such disclosure of confidential information, the director

shall provide notice and opportunity to be heard to the title insurers and title agencies who would be affected thereby.

381.035. No title insurance company, title agency or title agent shall willfully withhold information from, or knowingly give false or misleading information to the director, or to any title insurance rating organization, of which the title insurance company is a member or subscriber, which will affect the rates or fees chargeable pursuant to this chapter. Each violation of this section is a class A violation as that term is defined in section 381.045.

381.038. 1. Evidence of the examination of title and determination of insurability generated by a title insurer engaged in direct operations, title agency or title agent shall be preserved and maintained by such insurer, agency or agent for as long as appropriate to the circumstances but, in no event less than fifteen years after the title insurance policy has been issued.

2. Records relating to escrow and security deposits shall be preserved and retained by a title insurer engaged in direct operations, title agency and title agent for as long as appropriate to the circumstances but, in no event less than five years after the escrow or security deposit account has been closed.

3. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

4. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

[381.041. 1. No person other than a domestic, foreign, or alien title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

2. Each title insurer may engage in the title insurance business in this state if licensed to do so by the director and provide any other service related or incidental to the sale and transfer or financing of property.

3. A title insurer shall maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.]

381.042. 1. The director may issue rules, regulations and orders necessary to carry out the provisions of this chapter.

2. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

381.045. 1. If the director determines that the title insurer or any other person has violated this chapter, or any regulation or order promulgated thereunder, after notice and opportunity to be heard, the director may order:

(1) For each violation a monetary penalty which shall take into account the harm the violation caused or could have caused or potential harm to the public and which shall not exceed:

(a) One thousand dollars per violation for a class A violation;

(b) Five hundred dollars per violation for a class B violation; and

(c) One hundred dollars per violation for a class C violation;

(2) Revocation or suspension of the title insurer's license; or

(3) Both monetary penalty and revocation or suspension.

2. Nothing contained in this section shall affect the right of the director to impose any other penalties provided for in the insurance code.

3. Nothing contained in this chapter is intended to or shall in any other manner limit or restrict the rights of policyholders, claimants and creditors.

381.048. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2607, as amended.

[381.051. 1. A title insurer, before issuing any title insurance policy covering property located in this state, shall deposit with the director of the department of insurance, hereinafter referred to as the director, a sum of four hundred thousand dollars, which shall be held for the security and protection of the holders or beneficiaries under its title insurance policies.

2. Assets deposited pursuant to this section may, with the approval of the director, be exchanged from time to time for other assets that qualify under subsection 3 of this section.

3. The depositing title insurer shall receive the income, interests, and dividends on any assets deposited. The deposit required under this section may be made in legal tender or in investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus. For capital and reserve deposits, sums deposited pursuant to this section shall be valued at their market value.

4. A title insurer that has deposited assets pursuant to this section may, with the approval of the director, withdraw any part of the assets so deposited. If any such title insurer continues to engage in the business of title insurance, it shall not be permitted to withdraw assets that would reduce the amount of its deposits below the amount required by subsection 1 of this section.

5. In lieu of such a deposit maintained in this state, the director shall accept a certificate or certificates in proper form of the public officer or officers having general supervision of title insurers in its state of domicile to the effect that a deposit or total deposits, in an equal or greater amount, in classes of investment authorized in such state, are being maintained for like purposes in public custody or control pursuant to the laws of such state on behalf of the title insurer.

6. If sections 381.011 to 381.241 require a greater amount of capital and surplus or deposits than that required of a title insurer prior to September 28, 1987, such title insurer shall have three years after September 28, 1987, to comply with any such increased requirement.

7. The provisions of sections 375.950 to 375.990, RSMo, shall apply to the impairment of capital, liquidation, and rehabilitation of title insurers.]

381.052. No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state.

381.055. Subject to the exceptions and restrictions contained in this chapter, a title insurer shall have the power to:

(1) Do only title insurance business;

(2) Reinsure title insurance policies; and

(3) Perform ancillary activities, unless prohibited by the director, including examining titles to real property and any interest in real property and procuring and furnishing related information and information about relevant personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy.

381.058. 1. No insurer that transacts any class, type or kind of business other than title insurance shall be eligible for the issuance or renewal of a license to transact the business of title insurance in this state nor shall title insurance be transacted, underwritten or issued by any insurer transacting or licensed to transact any other class, type or kind of business.

2. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages.

3. (1) Notwithstanding subsection 1 of this section, and to the extent such coverage is lawful within this state, a title insurer is expressly authorized to issue closing or settlement protection to a proposed insured upon request if the title insurer issues a commitment, binder or title insurance policy. Such closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the director and may indemnify a proposed insured solely against loss of settlement funds only because of the following acts of a title insurer's named title agency or title agent:

(a) Theft of settlement funds; and

(b) Failure to comply with written closing instructions by the proposed insured when agreed to by the title agency or title agent relating to title insurance coverage;

(2) The director may promulgate or approve a required charge for providing the coverage;

(3) A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

[381.061. 1. The net retained liability of a title insurer for a single risk on property located in this state, whether assumed directly or as reinsurance, may not exceed fifty percent of the sum of its total surplus to policyholders and unearned premium reserve, less the admitted asset value assigned to title plants, as shown in the most recent annual statement of the title insurer on file in the office of the director.

2. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.]

381.062. Before being licensed to do an insurance business in this state, a title insurer shall establish and maintain a minimum paid-in capital of not less than four hundred thousand dollars and, in addition, paid-in initial surplus of at least four hundred thousand dollars.

381.065. 1. The net retained liability of a title insurer for a single risk in regard to property located in this state, whether assumed directly or as reinsurance, shall not exceed the aggregate of fifty percent of surplus as regards policyholders plus the statutory premium reserve less the company's investment in title plants, all as shown in the most recent annual statement of the insurer on file with the director.

2. For purposes of this chapter:

(1) A single risk shall be the insured amount of any title insurance policy, except that, where two or more title insurance policies are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the title insurance policies; and

(2) A policy under which a claim payment reduces the amount of insurance under one or more other title insurance policies shall be included in computing the single risk sum only to the extent that its amount exceeds the aggregate amount of the policy or policies whose amount of insurance is reduced.

3. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.

4. The director may waive the limitation of this section for a particular risk upon application of the title insurer and for good cause shown.

381.068. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general investment provisions of sections 376.300 to 376.305, RSMo, shall apply; except that, an investment in a title plant or plants in an amount equal to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed fifty percent of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director.

381.072. In determining the financial condition of a title insurer doing business pursuant to this chapter, the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities including allocated and unallocated loss adjustment expense, shall apply; except that, a title insurer shall establish and maintain:

(1) (a) A known claim reserve in an amount estimated to be sufficient to cover all unpaid losses, claims and allocated loss adjustment expenses arising under title insurance policies for which the title insurer may be liable, and for which the insurer has discovered or received notice by or on behalf of the insured or escrow or security depositor;

(b) Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim;

(c) Reserves required pursuant to this section may be revised from time to time and shall be redetermined at least once each year;

(2) A statutory or unearned premium reserve established and maintained as follows:

(a) A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements;

(b) The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured;

(c) The unearned premium reserve shall consist of:

a. The amount of the unearned premium reserve on the effective date of sections 381.003 to 381.125; and

b. A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after the effective date of sections 381.003 to 381.125;

(d) Amounts placed in the unearned premium reserve in any year in accordance with paragraph (c) of subdivision (2) of this section shall be deducted in determining the net profit of the title insurer for that year;

(e) A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in

which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before the effective date of sections 381.003 to 381.125 shall be released in accordance with the law in effect immediately before the effective date of sections 381.003 to 381.125;

(f) a. Each domestic and foreign title insurer shall file annually with the audited financial report required pursuant to section 375.1032, RSMo, an actuarial certificate made by a member in good standing of the American Academy of Actuaries, or by an actuary permitted to make such certificate by the commissioner, superintendent or director of the department of insurance of the state of incorporation of a foreign title insurer;

b. The actuarial certification shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. The reserves analyzed pursuant to this section shall include reserves for known claims, including adverse developments on known claims, and reserves for incurred but not reported claims;

(g) a. Each domestic and foreign title insurer shall establish a supplemental reserve in the amount by which the actuarially certified reserves exceed the total of the known claim reserve and statutory premium reserve as set forth in the title insurer's annual financial report, subject to subdivision (2) of this section;

b. The supplemental reserve required pursuant to this section shall be phased in as follows:

i. Twenty-five percent of the otherwise applicable supplemental reserve is required until December thirty-first of the year next following the effective date of sections 381.003 to 381.125;

ii. Fifty percent of the otherwise applicable supplemental reserve is required until December thirty-first of the second year following the effective date of sections 381.003 to 381.125;

iii. Seventy-five percent of the otherwise applicable supplemental reserve is required until December thirty-one of the third year following the effective date of sections 381.003 to 381.125;

iv. One hundred percent of the supplemental reserve is required after December thirty-first of the fourth year following the effective date of sections 381.003 to 381.125.

381.075. 1. Sections 375.570 to 375.750 and sections 375.1150 to 375.1246 shall apply to all title insurers subject to the title insurance act, except as otherwise provided in this section. In applying such sections, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

2. Security and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured claims as defined in section 375.1152, RSMo.

3. Title insurance policies that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

4. The court may set appropriate dates that potential claimants must file their claims with the liquidator. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

5. As of the date of the order of insolvency or liquidation, all premiums paid, due or to become due under policies of the title insurers, shall be fully earned. It shall be the obligation of title agencies, title agents, insureds or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

381.078. A title insurer shall only declare or distribute a dividend to shareholders with the prior written approval of the director, as would be permitted pursuant to subdivision (1) of subsection 1 of section 382.210, RSMo.

[381.081. 1. A domestic title insurer shall establish and maintain an unearned premium reserve computed in accordance with this section, and all sums attributed to such reserve shall at all times and for all purposes be considered and constitute unearned portions of the original premiums. This reserve shall be reported as a liability of the title insurer in its financial statements.

2. The unearned premium reserve shall be maintained by the title insurer for the protection of holders of title insurance policies. Except as provided in this section, assets equal in value to the reserve are not subject to distribution among creditors or stockholders of the title insurer until all claims of policyholders or claims under reinsurance contracts have been paid in full, and all liability on the policies or reinsurance contracts has been paid in full and discharged or lawfully reinsured.

3. A foreign or alien title insurer licensed to transact title insurance business in this state shall maintain at least the same reserves on title insurance policies issued on properties located in this state as are required of domestic title insurers, unless the laws of the jurisdiction of domicile of the foreign or alien title insurer require a higher amount.

4. The unearned premium reserve shall consist of:

(1) The amount of the unearned premium reserve on September 28, 1987; and

(2) A sum equal to fifteen cents for each one thousand dollars of net retained liability under each title insurance policy, excluding mortgagee's policies simultaneously issued with owner's policies or owner's leasehold policies of the same or greater amount, on a single risk written on properties located in this state and issued after September 28, 1987.

5. Amounts placed in the unearned premium reserve in any year in accordance with subdivision (2) of subsection 4 of this section shall be deducted in determining the net profit of the title insurer for that year.

6. A title insurer shall release from the unearned premium reserve a sum equal to ten percent of the amount added to the reserve during a calendar year on July first of each of the five years following the year in which the sum was added, and shall release from the unearned premium reserve a sum equal to three and one-third percent of the amount added to the reserve during that year on each succeeding July first until the entire amount for that year has been released. The amount of the unearned premium reserve or similar unearned premium reserve maintained before September 28, 1987, shall be released in accordance with the law in effect immediately before September 28, 1987.]

381.085. 1. A title insurer or authorized rate service organization shall not deliver or issue for delivery or permit any of its authorized title agencies or title agents to deliver in this state, any form, in connection with title insurance written, unless it has been filed with the director and approved by the director or thirty days have elapsed and it has not been disapproved as misleading or violative of public policy. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

2. Forms covered by this section shall include:

(1) Title insurance policies, including standard form endorsements; and

(2) Title insurance commitments issued prior to the issuance of a title insurance policy.

3. After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the director may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than ninety days after notice of withdrawal is given.

4. Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, may only be included in the policy after the term, condition or exception has been filed with the director and approved as herein provided.

381.088. 1. A title insurer may satisfy its obligation to file premium rates, rating manuals and forms as required by this chapter by becoming a member of, or a subscriber to, a rate service organization, organized and licensed pursuant to the provisions of this chapter, where the organization makes the filings, and by authorizing the director in writing to accept the filings on the insurer's behalf.

2. Nothing in this chapter shall be construed as requiring any title insurer, title agency or title agent to become a member of, or a subscriber to, any rate service organization. Nothing in this chapter shall be construed as prohibiting the filing of deviations from rate service organization filings by any member or subscriber.

[381.091. 1. If a domestic title insurer becomes insolvent, is in the process of liquidation or dissolution, or is in the possession of the director:

(1) Such amount of the assets of such title insurer equal to the unearned premium reserve then remaining may be used by or with the written approval of the director to pay for reinsurance of the liability of such title insurer upon all outstanding title insurance policies or reinsurance agreements to the extent to which claims for losses by the holders thereof are not then pending. The balance of assets, if any, equal to the unearned premium reserve, may then be transferred to the general assets of the title insurer;

(2) The net assets of the unearned premium reserve shall be available to pay claims for losses sustained by holders of title insurance policies then pending or arising up to the time reinsurance is effected. If claims for losses exceed such other assets of the title insurer, such claims, when established, shall be paid pro rata out of the surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

2. If reinsurance is not obtained, assets equal to the unearned premium reserve and assets constituting minimum capital, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held and invested by the director for twenty years, out of which claims of policyholders shall be paid as they arise. The

balance, if any, of the trust fund shall, at the expiration of twenty years, revert to the general assets of the title insurer.]

381.092. 1. Every title insurer that shall propose its own premium rates and every title insurance rating organization shall propose premium rates that are not excessive nor inadequate for the safety and soundness of any title insurer, which do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements, and which shall give due consideration to the following matters:

(1) The desirability for stability and responsiveness of rate structures;

(2) The necessity of assuring the financial solvency of title insurance companies in periods of economic depression;

(3) The necessity for paying dividends on the capital stock of title insurance companies sufficient to induce capital to be invested therein; and

(4) A reasonable level of profit for the insurer.

2. Every title insurer that shall propose its own rates and every title insurance rating organization may adopt basic classifications of policies or contracts of title insurance which shall be used as the basis for rates.

381.095. 1. If the director shall find in his review of rate filings that the filings provide for, result in, or produce rates that are not unreasonably high, and are not inadequate for the safeness and soundness of the insurer, and are not unfairly discriminatory between risks in this state involving essentially the same hazards and expense elements, the director shall approve such rates. Prior to such approval the director may conduct a public hearing with respect to a rate filing. An approval shall continue in effect until the director shall issue an order of disapproval pursuant to the requirements and procedure provided for in subsections 2 and 3 of this section.

2. Upon the review at any time by the director of a rate filing, the director shall, before issuing an order of disapproval, hold a hearing upon not less than ten days' written notice, specifying in reasonable detail the matters to be considered at such hearing, to every title insurer and title insurance rating organization which made such filing, and if, after such hearing, the director finds that such filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that it so fails, and stating when, within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. A title insurer or title insurance rating organization shall have the right at any time to withdraw a filing or a part thereof, subject to the provisions of section 381.102, in the case of deviation filing. Copies of the order shall be sent to every title insurer and title insurance rating organization affected. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

3. Any person or organization aggrieved with respect to any filing which is in effect may make written application to the director for a hearing thereon. The title insurance company or title insurance rating organization that made the filing shall not be authorized to proceed pursuant to this subsection. Such application shall specify in reasonable detail the grounds to be relied upon by the applicant. If the director shall find that the application is made in good faith, that the applicant would be so aggrieved if his or her grounds are established, and that such grounds otherwise justify holding such a hearing, the director shall, within thirty days after receipt of such application, hold a hearing upon not less than ten days' written notice to the applicant and to every title insurance company and title insurance rating organization which made such a filing. If, after such hearing, the director finds that the filing or a part thereof does not meet the requirements of this chapter, the director shall issue an order specifying in what respects the director finds that such filing or a part thereof fails to meet the requirements of this chapter, stating when within a reasonable period thereafter, such filing or a part thereof shall be deemed no longer effective. Copies of such order shall be sent to the applicant and to every such title insurer and title insurance rating organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

381.098. 1. A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the director for license as a rating organization for title insurers, and shall file therewith:

(1) A copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business;

(2) A list of its members and subscribers;

(3) The name and address of a resident of this state upon whom notices or orders of the director or process affecting such rating organization may be served; and

(4) A statement of its qualifications as a title insurance rating organization.

2. If the director finds that the applicant is competent, trustworthy and otherwise qualified to act as a

rating organization, and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, conform to requirements of law, the director shall issue a license authorizing the applicant to act as a rating organization for title insurance. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the director or withdrawn by the licensee. The fee for such license shall be one thousand five hundred dollars. Licenses issued pursuant to this section may be suspended or revoked by the director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the director promptly of every change in:

(1) Its constitution, its articles of agreement or association or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business;

(2) Its list of members and subscribers; and

(3) The name and address of the resident of this state designated by it upon whom notices or orders of the director or process affecting such rating organization may be served.

3. Subject to rules and regulations which have been approved by the director as reasonable, each title insurance rating organization shall permit any title insurance company not a member to be a subscriber to its rating services. Notices of proposed changes in such rules and regulations shall be given to subscribers. Each such rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any such rating organization to admit a title insurance company as a subscriber, shall at the request of any subscriber or any such title insurance company, be reviewed by the director at a hearing held upon at least ten days' written notice to such rating organization and to such subscriber. If the director finds that such rule or regulation is unreasonable in its application to subscribers, the director shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an application of a title insurance company for subscribership within thirty days after it was made, the title insurance company may request a review by the director as if the application had been rejected. If the director finds that the title insurance company has been refused admittance to the title insurance rating organization as a subscriber without justification, the director shall order such rating organization to admit the title insurance company as a subscriber. If the director finds that the action of the title insurance rating organization was justified, the director shall make an order affirming its action.

[381.101. 1. All title insurers licensed in this state shall establish and maintain reserves against unpaid losses and loss expenses.

2. Upon receiving notice from or on behalf of the insured of a title defect in or lien or adverse claim against the title of the insured that may result in a loss or cause expense to be incurred in the proper disposition of the claim, the title insurer shall determine the amount to be added to the reserve, which amount shall reflect a careful estimate of the loss or loss expense likely to result by reason of the claim.

3. Reserves required under this section may be revised from time to time and shall be redetermined at least once each year.]

381.102. Every member of or subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization, except that any title insurance company which is a member of or subscriber to such a rating organization may file with the director a uniform percentage of decrease or increase to be applied to any or all elements of the fees produced by the rating system so filed for a class of title insurance which is found by the director to be a proper rating unit for the application of such uniform decrease or increase, or to be applied to the rates for a particular area, or otherwise deviate from the rating plans, policy forms or other matters which are the subject of filings pursuant to this chapter. Such deviation filing shall specify the basis for the modification and shall be accompanied by the data or historical pattern upon which the applicant relies. A copy of the deviation filing and data shall be sent simultaneously to such rating organization. Deviation filings shall be subject to the provisions of section 381.095.

381.105. 1. Any member of or subscriber to a title insurance rating organization may appeal to the director from any action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization, and the director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal and to take action or make a decision upon it within thirty days. If such appeal is from the action or decision of the title insurance rating organization in rejecting a proposed addition to its filings, the director may, in the event

the director finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with the director's findings, within a reasonable time after the issuance of such order. If the appeal is from the action of the title insurance rating organization with regard to a rate or a proposed change in or addition to its filings relating to the character and extent of coverage, the director shall approve the action of the rating organization or such modification thereof as shall have been suggested by the appellant if either be made in accordance with this chapter.

2. The failure of a title insurance rating organization to take action or make a decision within thirty days after submission to it of a proposal pursuant to this section shall constitute a rejection of such proposal within the meaning of this section. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense allocation which differs from the system of expense allocation included in a filing made by such rating organization, the director shall, if the director grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal, the director shall apply the standards set forth in section 381.032.

381.108. 1. The director shall promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with the department, which may be modified from time to time, and which shall be used thereafter by each title insurer, in the recording and reporting of the composition of its business, its loss and countrywide expense experience and those of its title insurance underwriters in order that the experience of all title insurer may be made available, at least annually, in such form and detail as may be necessary to aid him or her in determining whether rating systems comply with the standards set forth in this chapter. Such rules and plans may also provide for the recording of expense experience items which are specially applicable to this state and are not susceptible of determination by a prorating of countrywide expense experience. In promulgating such rules and plans, the director shall give due consideration to the rating systems on file with the department, and in order that such rules and plans may be as uniform as is practicable among the several states, to the rules and to the form of the plans used for such rating systems in other states. Such rules and plans shall not place an unreasonable burden of expense on any title insurer. No title insurer shall be required to record or report its expense and loss experience on a classification basis that is inconsistent with the rating system filed by it, nor shall any title insurer be required to report the experience to any agency of which it is not a member or subscriber. The director may designate one or more rating organizations or other agencies to assist the director in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the director, to title insurers and rating organizations. The director shall give preference in such designation to entities organized by and functioning on behalf of title insurers operating in this state. If the director, in his or her judgment, determines that one or more of such organizations designated as statistical agent is unable or unwilling to perform its statistical functions according to reasonable requirements established from time to time by the director, he or she may, after consultation with such statistical agent and upon twenty days' notice to any affected companies, designate another person to act on the director's behalf in the gathering of statistical experience. The director shall in such case establish the fee to be paid to such designated person by the affected companies in order to pay the total cost of gathering and compiling such experience. Agencies designated by the director shall assist the director in making compilations of the reported data and such compilations shall be made available, subject to reasonable rules and regulations promulgated by the director, to insurers, rating organizations and any other interested parties.

2. Reasonable rules and plans may be promulgated by the director for the interchange of data necessary for the application of rating plans.

3. In order to further uniform administration of rate regulatory laws, the director and every title insurer and rating organization may exchange information and experience data with insurance supervisory officials, title insurers and rating organizations in other states, and may consult with them with respect to rate making and the application of rating systems.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

[381.111. A title insurer may obtain reinsurance for all or any part of its liability under its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurers on single risks located in this state or elsewhere. Reinsurance on policies issued on properties located in this state may be obtained from any title insurers licensed to transact title insurance business in this state, any other state, or the District of Columbia and which have a combined capital and surplus of at least eight hundred thousand dollars.]

381.112. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall mean the amount of premium actually remitted to the title insurer and shall exclude any amount of premium retained by the title agent within the definition of "premium" contained in section 381.009.

381.115. 1. A person shall not act in the capacity of a title agency or title agent and a title insurer may not contract with any person to act in the capacity of a title agency or title agent with respect to risks located in this state unless the person is a licensed title agency or title agent in this state.

2. An individual employed by a licensed title agency or title agent to whom the agency or agent delegates authority to act on that agency's or agent's behalf shall be either individually licensed or be named on the employing agent's license if such employee performs any of the functions defined in paragraph (a) of subdivision (25) of section 381.009. Each person named on the license shall possess all qualifications determined by the director to be appropriate. The director may adopt rules, regulations, and requirements relating to licensing and practices of persons acting in the capacity of title agencies or agents. These persons may include title agencies, title agents, employees of either, and persons acting on behalf of title agencies or title agents. This subsection is not intended to include persons performing clerical functions.

3. Every title agency licensed in this state shall:

(1) Exclude or eliminate the word insurer or underwriter from its business name, unless the word agency is also included as part of the name; and

(2) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer requests in order to comply with reporting requirements of the director.

4. A title agency or title agent licensed in this state prior to the effective date of this chapter shall have ninety days after the effective date of this chapter to comply with the requirements of this section.

5. If the title agency or title agent delegates the title search to a third party, such as an abstract company, the agency or agent must first obtain proof that the third party is operating in compliance with rules and regulations established by the director and the third party shall provide the agency or agent and the insurer with access to and the right to copy all accounts and records maintained by the third party with respect to business placed with the title insurer. Proof from the third party may consist of a signed statement indicating compliance, and shall be effective for a three-year period. Each violation of this subsection is a class C violation as that term is defined in section 381.045.

381.118. 1. Each title agent licensed to sell title insurance in this state, unless exempt pursuant to subsection 8 of this section, shall successfully complete courses of study as required by this section. Any person licensed to act as a title agent shall, during each two years, attend courses or programs of instruction or attend seminars equivalent to a minimum of eight hours of instruction. The initial such two-year period shall begin January first of the year next following the effective date of this chapter.

2. Subject to approval by the director, the courses or programs of instruction which shall be deemed to meet the director's standards for continuing educational requirements shall include, but not be limited to, the following:

(1) An insurance-related course taught by an accredited college or university or qualified instructor who has taught a course of insurance law at such institution;

(2) A course or program of instruction or seminar developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association. A local agents' group may also be approved if the instructor receives no compensation for services;

(3) Courses approved for continuing legal education credit by the Missouri Bar.

3. A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

4. Excess classroom hours accumulated during any two-year period may be carried forward to the two-year period immediately following the two-year period in which the course, program or seminar was held.

5. For good cause shown, the director may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed the period of one calendar year. The director may grant an individual waiver of the mandatory continuing education requirement upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted for reasons including, but not limited to:

(1) Serious physical injury or illness;

(2) Active duty in the armed services for an extended period of time;

(3) Residence outside the United States; or

(4) Licensee is at least seventy years of age and is currently licensed as a title agent.

6. Every person subject to the provisions of this section shall furnish in a form satisfactory to the director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. A filing fee shall be paid by the person furnishing the report as determined by the director to be necessary to cover the administrative cost related to the handling of such certification reports, subject to the limitations imposed in subsection 9 of this section.

7. The provisions of this section shall not apply to those natural persons holding or applying for a license to act as a title agent in Missouri who reside in a state that has enacted and implemented a mandatory continuing education law or regulation pertaining to the title agents. However, those natural persons holding or applying for a Missouri agent license who reside in states which have no mandatory continuing education law or regulations shall be subject to all the provisions of this section to the same extent as resident Missouri title agents.

8. Rules necessary to implement and administer this section shall be promulgated by the director of the department of insurance, including, but not limited to, rules regarding the following:

(1) The insurance advisory board established by section 375.019, RSMo, shall be utilized by the director to assist the director in determining acceptable content of courses, programs and seminars to include classroom equivalency;

(2) Every applicant seeking approval by the director of a continuing education course pursuant to this section shall pay to the director a filing fee of fifty dollars per course, except that such total fee shall not exceed two hundred fifty dollars per year for any single applicant. Fees shall be waived for local agents' groups if the instructor receives no compensation for services. Such fee shall accompany any application form required by the director. Courses shall be approved for a period of no more than one year. Applicants holding courses intended to be offered for a longer period must reapply for approval;

(3) The director has the authority to determine the amount of the filing fee to be paid by title agents at the time of license renewal, which shall be set at an amount to produce revenue which shall not substantially exceed the cost of administering this section, but in no event shall such fee exceed ten dollars per biennial report filed.

9. All funds received pursuant to the provisions of this section shall be transmitted by the director of the department of insurance to the department of revenue for deposit in the state treasury to the credit of the department of insurance dedicated fund. All expenditures necessitated by this section shall be paid from funds appropriated from the department of insurance dedicated fund by the legislature.

10. When a title agent pays his or her biennial renewal fee, such agent shall also furnish the written certification and filing fee required by this section.

11. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

[381.121. 1. The deposit required by section 381.051 and the capital, surplus and unearned premium reserve of domestic title insurers shall be held in either cash or investments now or hereafter permitted to domestic life insurers with regard to their capital, reserve and surplus for reserve deposit.

2. A domestic title insurer may invest in title plants. For purposes of determining the financial condition of such title insurer, title plants will be treated as an asset valued at actual cost to the title insurer, not to exceed fifty percent of the surplus as to policyholders as shown on the most recent annual statement of the title insurer.

3. Any investment of a domestic title insurer acquired before September 28, 1987, and which under such sections, would be considered ineligible as an investment on that date, shall be disposed of within five years of September 28, 1987. The director, upon application and proof that forced sale of any such investment would be contrary to the best interests of the title insurer or its policyholders, may extend the period for disposal of the investment for a reasonable time.]

381.122. The director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency pursuant to this chapter.

381.125. 1. Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title agency or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title agency or agent.

2. The director may establish rules for use by all title agencies in the recording and reporting of the

agency's owners and of the agency's ownership interests in other persons or businesses and of material transactions between the parties.

3. The director may require each title agency to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the agency and who the agency knows or has reason to believe are producers of title insurance business or associates of producers.

4. Nothing in this chapter shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

(1) The title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;

(2) The person being referred is not required to use a specified title insurance agency, agent or insurer; and

(3) The only thing of value that is received by the title agency, title agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest. For purposes of this subsection, the terms "required use" and "return on an ownership interest" shall have the meaning accorded to them under the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. Section 2607, as amended and Regulation X, 24 C.F.R. Section 3500, et seq.

5. Each violation of any provision of this section is a class C violation as that term is defined in section 381.045.

[381.131. Any person who shall be appointed or who shall act as title insurance agent or agency for any title insurance company within this state, or who shall, as title insurance agent or agency, solicit applications, deliver policies and collect premiums thereon, or who shall receive or collect moneys from any source or on any account whatsoever, as agent or agency, for a title insurance company doing business in this state, shall be held responsible in a trust or fiduciary capacity to the company for any money so collected or received by him for such company.]

[381.141. 1. No title insurer or title agent or agency shall:

(1) Pay, directly or indirectly, to the insured or to any other person any commission, any part of its premiums, fees, or other charges; or any other consideration as inducement or compensation for the referral of title business or for performance of any escrow or other service by the title agent or agency; or

(2) Issue any title insurance policy or perform any service in connection with any transaction in which it has paid or intends to pay any commission, rebate or inducement which it knows to be in violation of this section.

2. Nothing in this section shall be construed as prohibiting reasonable payments, other than for the referral of title insurance business, for services actually rendered to either a title insurer or a title agent or agency in connection with title insurance business.

3. Nothing in sections 381.011 to 381.241 shall prohibit any producer or any associate of a producer from referring title business to any title insurer or title insurance agent or agency of his, her or its choice, and if such producer or associate producer has any financial, franchise, or ownership interest in the title insurer, the title insurance agent or agency, from receiving income or profits produced or realized from such financial, franchise or ownership interest so long as the purchaser is made aware in writing of the relationship between the producer or associate producer and the title agent or agency.]

[381.151. Nothing in sections 381.011 to 381.241 shall be construed as prohibiting the division of premiums and charges between or among a title insurer and its title agent or agency, two or more title insurers, one or more title insurers and one or more title agents or agencies or two or more title agents or agencies, provided such division of premiums and charges does not constitute:

(1) An unlawful rebate or inducement under the provisions of sections 381.011 to 381.241; or

(2) Payment of a forwarding fee or finder's fee.]

[381.161. 1. No producer or other person, except the person paying the premium for the title insurance, shall require, directly or indirectly, or through any trustee, director, officer, agent, employee, or affiliate, as a condition, agreement, or understanding to selling or furnishing any other person any loan, or extension thereof, credit, sale, property, contract, lease or service, that such other person shall place, any contract of title insurance of any kind through any particular title agent, agency, or title insurer. No title agent, agency, or title insurer shall knowingly participate in any such prohibited plan or transaction. No person shall fix a price charged for such thing or service, or discount from or rebate upon price, on the condition, agreement, or understanding that any title insurance is to be obtained through a particular agent, agency, or title insurer.

2. Any person who violates the provisions of this section, or any title insurer, title agent, or agency who accepts an order for title insurance knowing that it is in violation of the provision of this section shall, in addition to any other action which may be taken by the director, be subject to a fine in an amount equal to five times the premium for the title insurance.]

[381.171. 1. Premiums shall not be inadequate, excessive or unfairly discriminatory.

2. Premiums are excessive if, in the aggregate, they are likely to produce a long run profit that is unreasonably high in relation to the riskiness of the business or if expenses are unreasonably high in relation to the services rendered.

3. Premiums are inadequate if they are clearly insufficient, together with investment income attributable to them, to sustain projected losses and expenses or if continued use of such premiums will have the effect of substantially lessening competition or the effect of tending to create a monopoly.

4. Premiums are unfairly discriminatory if the premium charged for a policy of any particular face amount of liability is higher than the premium for an indentical policy within the same classification where such policy has a like face amount or a higher face amount of liability. Premiums within each premium classification may, in the discretion of the title insurer, to a reasonable degree be less than the expenses incurred and the risks assumed in the case of policies of lower face amount of liability and the excess may be charged against policies of higher face amount of liability without rendering the premiums unfairly discriminatory.

5. Premiums may be grouped by classifications into the various types of title policies and endorsements offered. The classifications may be further divided to produce premiums for individual risks or services within a classification. Those classifications or further divisions may be established based upon any one or more of the following:

(1) The size of a transaction and its effect upon the continuing solvency of the title insurer using the rate in question if a loss should occur;

(2) Expense elements, including management time that would ordinarily be expended in a typical transaction of a particular size;

(3) The geographic location of a transaction, including variation in risk and expense elements attributable thereto;

(4) The individual experience of the insurer and title insurance agent or agency using the rate in question; and

(5) Any other reasonable considerations which may include but not be limited to builder/developer quantity discounts and multiple policy discounts on an individual parcel of property. Those classifications or further divisions thereof shall apply to all risks and services in the business of title insurance under the same or under substantially the same circumstances or conditions.

6. In making or reviewing premiums due consideration shall be given to past and prospective loss experience, to exposure to loss, to underwriting practice and judgment, to past and prospective expenses including amounts paid to or retained by title agents or agencies, to a reasonable margin for profit and contingencies taking into account the need for a reasonable return on capital committed to the enterprise, and to all other relevant factors both within and outside of this state.

7. The director may promulgate rules or regulations setting forth guidelines for the evaluation of premiums. Such regulations may include consideration of:

(1) Cost of underwriting risks assumed by the insurer;

(2) Amounts paid to or retained by title agents;

(3) Operating expenses of the insurer other than underwriting and claims expense;

(4) Payment of claims and claim related expenses;

(5) Investment income;

(6) Reasonable profit;

(7) Premium taxes; and

(8) Any other factors the director deems relevant.]

[381.181. 1. Every title insurer shall file with the director its premium schedules it proposes to use in any county of this state. Every filing shall set forth its effective date, which shall not be earlier than the thirtieth day following its receipt by the director, and shall indicate the character and extent of the coverages and services contemplated. Filings that the director has not disapproved within thirty days of filing shall be deemed effective.

2. No title insurer or title agent or agency may use or collect any premium after September 28, 1987, except in accordance with the premium schedules filed with the director as required by subsections 1 and 2 of this section. The director may provide by regulation for interim use of premium schedules in effect prior to September 28, 1987.

3. Every title insurer shall establish basic classifications of coverages to be used as the basis for determining premiums.]

[381.191. In order to further uniform administration of rate regulatory laws, the director and every title insurer, title agent, or agency in the state may exchange information and experience data with insurance supervisory officials of this and other states and rating organizations in other states and may consult with them with respect to such information and data.]

[381.201. 1. No title insurer, title agent, or agency shall use any premium in the business of title insurance prior to its effective date nor prior to the filing with respect to such premium having been publicly displayed and made readily available to the public for a period of not less than thirty days in each office of the title insurer, title agent, or agency in the county to which such rates apply, and no premium increase shall apply to title policies which have been contracted for prior to such effective date.

2. Premium charges in excess of those set forth in a premium filing which has become effective may be made when such filing includes a statement that such premiums may be made in the event unusual insurance risks are assumed or unusual services performed in the transaction of the business of title insurance, provided that such premiums are reasonably commensurate with the risks assumed for the costs of the services performed.

3. Copies of the schedules of premiums which are required to be filed with the director under the provisions of sections 381.011 to 381.241, showing their effective date or dates, shall be kept at all times available to the public and prominently displayed in a public place in each office of a title insurer, title agent, or agency in the county to which such rates apply while such rates are effective.]

[381.211. Every title insurer shall file with the director copies of the following forms it proposes to use in this state, including:

(1) Title insurance polices;

(2) Standard form endorsements; and

(3) Preliminary reports, commitments, binders, or any other reports issued prior to the issuance of a title insurance policy.]

[381.221. For purposes of the premium tax imposed by sections 148.320 and 148.340, RSMo, the premium income received by a title insurer shall be one hundred percent of the amounts paid by or on behalf of the insured as "premiums" within the definition of that term contained in sections 381.011 to 381.241.]

[381.231. In addition to any other powers granted under sections 381.011 to 381.241, the director may adopt rules or regulations to protect the interests of the public including, but not limited to, regulations governing sales practices, escrow, collection, settlement, closing procedures, policy coverage standards, rebates and inducements, controlled business, the approval of agency contracts, unfair trade practices and fraud, statistical plans for data collection, consumer education, any other consumer matters, the business of title insurance, or any regulations otherwise implementing or interpreting the provisions of sections 381.011 to 381.241. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

[381.241. 1. The director of insurance or his duly authorized representative may at any time and from time to time, inspect and examine the records, books and accounts of any title insurer, and may require such periodic and special reports from any title insurer, as may be reasonably necessary to enable the director to satisfy himself that such title insurer is complying with the requirements of sections 381.011 to 381.241. No person shall be authorized to inspect and examine the records, books and accounts of any title insurer unless such person has five years experience in the title insurance business. It shall be the duty of the director at least once every four years to make or cause to be made an examination of every title insurer. The reasonable expense of any examination shall be paid by the title insurer.

2. The purpose of such examination is to enable the director to ascertain whether there is compliance with the provisions of sections 381.011 to 381.241. If as a result of such examination the director has reason to believe that any rate, rating plan or rating system made or used by an insurer does not meet the standards and provisions of sections 381.011 to 381.241, applicable to it, the director may hold a public hearing. Within a reasonable period of time, which shall be not less than ten days before the date of such hearing, he shall mail written notice specifying the matters to be considered at such hearing to every person, insurer or organization believed by him not to be in compliance with the provisions of sections 381.011 to 381.241.

3. If the director, after such hearing, for good cause finds that such rate, rating plan or rating system does not meet the provisions of sections 381.011 to 381.241, he shall issue an order specifying in what respects any such rate, rating plan or rating system fails to meet such provisions, and stating when, within a reasonable period of time, the further use of such rate, rating plan or rating system by the title insurer which is the subject of the examination shall be prohibited. A copy of such order shall be sent to such title insurer.]

381.410. As used in sections 381.410 and 381.412, the following terms mean:

(1) "Cashier's check", a check, however labeled, drawn on the financial institution, which is signed only by an officer or employee of such institution, is a direct obligation of such institution, and is provided to a customer of such institution or acquired from such institution for remittance purposes;

(2) "Certified funds", U.S. currency, funds conveyed by a cashier's check, certified check, teller's check, as defined in Federal Reserve Regulations CC, or wire transfers, including written advice from a financial institution that collected funds have been credited to the settlement agent's account;

(3) "Director", the director of the department of insurance, unless the settlement agent's primary regulator is another division in the department of economic development. When the settlement agent is regulated by such division, that division shall have jurisdiction over sections 381.410 and 381.412;

(4) "Financial institution":

(a) A person or entity doing business [under] **pursuant to** the laws of this state or the United States relating to banks, trust companies, savings and loan associations[,] **or** credit unions[, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans]; or

(b) The following persons or entities if their principal place of business is in Missouri or [a state which is contiguous to] **outside** Missouri**, but within the St. Louis or Kansas City standard metropolitan statistical area**:

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; [or

b. A person or entity acting as a mortgage loan company pursuant to court order;]

(5) "Settlement agent", a person, corporation, partnership, or other business organization which accepts funds and documents as fiduciary for the buyer, seller or lender for the purposes of closing a sale of an interest in real estate located within the state of Missouri, and is not a financial institution, or a member in good standing of the Missouri Bar [Association], or a person licensed under chapter 339, RSMo.

381.412. 1. A settlement agent who accepts funds of more than ten thousand dollars[, but less than two million dollars,] for closing a sale of an interest in real estate shall require a buyer, seller or lender who is not a financial institution to convey such funds to the settlement agent as certified funds. [The settlement agent shall record all security instruments for such real estate closing within three business days of such closing after receipt of such certified funds.] A check:

(1) Drawn on an escrow account of a licensed real estate broker, as regulated and described in section 339.105, RSMo;

(2) Drawn on an escrow account of a title insurer or title insurance agency licensed to do business in Missouri;

(3) Drawn on an agency of the United States of America, the state of Missouri or any county or municipality of the state of Missouri; or

(4) Drawn on an account by a financial institution;

shall be exempt from the provisions of this section.

2. No title insurer, title insurance agency or title insurance agent, as defined in section [381.031] **381.009**, shall make any payment, disbursement or withdrawal in excess of ten thousand dollars from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees:

(1) At least ten days prior to such payment, disbursement or withdrawal;

(2) Which consisted of certified funds; or

(3) Consisted of a check made exempt from this section by the provisions of subsection 1 of this section.

3. If the director finds that a settlement agent, title insurer, title insurance agency or title insurance agent has violated any provisions of this section, the director may assess a fine of not more than two thousand dollars for each violation, plus the costs of the investigation. Each separate transaction where certified funds are required shall constitute a separate violation. In determining a fine, the director shall consider the extent to which the violation was a knowing and willful violation, the corrective action taken by the settlement agent to ensure that the violation will not be repeated, and the record of the settlement agent in complying with the provisions of this section.

Section E. The provisions of section D of this act shall become effective January 1, 2001."; and

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

Representative Shields raised a point of order that **House Amendment No. 2** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Section 178.870, Line 18, by inserting after all of said line the following:

"64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board

of zoning adjustment. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

6. In any county of the first classification having a charter form of government and with a population of more than six hundred thousand but less than nine hundred thousand inhabitants, any zoning ordinance or order granting a conditional use permit adopted by the governing legislative body of such county pursuant to this section shall:

(1) Be deemed enacted ten days after passage; and

(2) Not be subject to any veto power or other power to disapprove such ordinance or order from the executive of such county."; and

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

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

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 64, Section 71.285, Line 12 of said page, by inserting after all of said line the following:

"71.794. A special business district may be established, enlarged or decreased in area as provided herein in the following manner:

(1) Upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district, the governing body of the city may adopt a resolution of intention to establish, enlarge or decrease in area a special business district. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the governing body considering establishment of the district;

(c) The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied.

(2) Whenever a hearing is held as provided hereunder, the governing body of the city shall publish notice of the hearing on two separate occasions in at least one newspaper of general circulation not more than fifteen days nor less than ten days before the hearing; and shall mail a notice by [registered or certified] United States mail [with a return receipt attached] of the hearing to all owners of record of real property and licensed businesses located in the proposed district; and shall hear all protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and continue the hearing from time to time.

(3) If the governing body decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after the decision. Notice shall be given in at least one newspaper of general circulation at least ten days prior to the time of said hearing showing the boundary amendments.

(4) If the governing body following the hearing decides to establish the proposed district, it shall adopt an ordinance to that effect. The ordinance shall contain the following:

(a) The number, date and time of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of the area;

(c) The description of the boundaries of the district;

(d) A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided herein;

(e) The initial rate of levy to be imposed upon the property lying within the boundaries of the district;

(f) A statement that a special business district has been established;

(g) The uses to which the additional revenue shall be put;

(h) In any city with a population of less than three hundred fifty thousand, the creation of an advisory board or commission and enumeration of its duties and responsibilities;

(i) In any city with a population of three hundred fifty thousand or more, provisions for a board of commissioners to administer the special business district, which board shall consist of seven members who shall be appointed by the mayor with the advice and consent of the governing body of the city. Five members shall be owners of real property within the district or their representatives and two members shall be renters of real property within the district or their representatives. The terms of the members shall be structured so that not more than two members' terms shall expire in any one year. Subject to the foregoing, the governing body of the city shall provide in such ordinance for the method of appointment, the qualifications, and terms of the members."; and

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

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

Representative Graham (24) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 45, Section 67.493, Line 1, by inserting after said line the following:

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

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

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

G Yes G No

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

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

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

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

5. In any first class county having a charter form of government and having a population of nine hundred

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

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

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

67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred 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 county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. 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 county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

G Yes G 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 enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

G Yes G 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 subdivision (1) of 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 the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of 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 county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to 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 county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principle on bonds issued for said capital improvement projects.**

4. 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 providing law enforcement services for the county. 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 county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, 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, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

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

7. 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.

67.700. 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

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

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

G YES G NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place

an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose **including the payment of principle and interest on any bonds issued to pay for such capital improvement**. 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 county funds.

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

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500.”; and

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

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

The Chair ruled the point of order not well taken.

On motion of Representative Graham (24), **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 151, Section 301.025, Lines 20 to 21 of said page, by deleting the following:

"**as evidenced by paid tax receipts**"; and

Further amend said bill, Page 151, Section 301.025, Lines 32 to 34, by deleting all of said lines and inserting in lieu thereof the following:

"**accompanied by proof that taxes were not due or have been paid for the two or three years which immediately precede the**"; and

Further amend said bill, Page 151, Section 301.025, Line 36, by inserting after the word "**due**" the following:

"**; except that, when electronic personal property tax data has been provided to the department of revenue and the department of revenue verifies that personal property taxes have been paid for the two or three years which immediately precede the year in which the motor vehicle's or trailer's registration is due, the department of revenue shall accept those records as proof that the taxpayer has paid such personal property taxes**"; and

Further amend said bill, Page 152, Section 301.025, Line 15 of said page, by inserting after the word "**paid.**" the following:

"**If the applicant was a resident of another county of this state in the applicable preceding years, he or she shall submit to the collector in the county or township of residence proof that the personal property tax was paid in the applicable tax year.**"; and

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

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

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 154, Section 301.025, Line 17, by inserting at the end of said line the following:

"**Residents of counties with a township form of government and with township collectors shall present personal property tax receipts which have been paid for the preceding two years when registering under this section.**".

On motion of Representative Legan, **House Amendment No. 7** was adopted.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 95, Section 141.220, Lines 34 to 35 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(1) "Appraiser" shall mean an [independent] appraiser **licensed or certified pursuant to chapter 339, RSMo, who is** not an employee of the collector or collection authority;"; and

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

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

Representative Williams (121) offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 159, Section C, Line 39 of said page, by inserting after all of said lines the following:

"Section D. Section 52.260, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 52.260 and 52.325, to read as follows:

52.260. The collector in counties not having township organization shall collect on behalf of the county the following fees for collecting all state, county, bridge, road, school, back and delinquent, and all other local taxes, including merchants', manufacturers' and liquor and beer licenses, other than ditch and levee taxes, and the fees collected shall be deposited in the county general fund:

(1) [In all counties wherein the total amount levied for any one year exceeds two hundred and fifty thousand dollars and is less than three hundred and fifty thousand dollars, a fee of two and one-half percent on the amount collected;

(2)] In all counties wherein the total amount levied for any one year [exceeds three hundred and fifty thousand dollars and] is less than two million dollars, a fee of two and one-half percent on the [first three hundred and fifty thousand dollars collected and one percent on whatever amount may be collected over three hundred and fifty thousand dollars] **total amounts collected**;

[(3)] **(2)** In all counties **of the second, third and fourth classification** wherein the total amount levied for any one year exceeds two million dollars, a fee of one percent **and one-half** on the **total** amounts collected**;**

(3) In all counties of the first classification, and any city not within a county wherein the total amount levied for any one year exceeds two million dollars, a fee of one percent on the total amounts collected.

52.315. 1. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.260 and section 54.320, RSMo, or any other provision of law in conflict with the provisions of this section, a percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the tax maintenance fund of the county as required by this section. The percentage shall be one-eighth of one percent on the total amounts collected for all counties of the first classification not having a charter form of government, for all counties of the second, third and fourth classification wherein the total amount levied for anyone year is less than four million dollars, a fee of one percent on the total amounts collected; in all counties of the second, third and fourth classification wherein the total amount levied for anyone year exceeds four million dollars, a fee of one-half of one percent on the total amounts collected; and one percent on the total amounts collected pursuant to section 54.320, RSMo, for all counties having township organization. For any county of the first classification having a charter form of government and for any city not within a county, the percentage deposited into the tax maintenance fund shall be three percent of the fees and commissions collected pursuant to section 52.260. All fees collected pursuant to this section shall be deposited into the tax maintenance fund and used for additional administration and operation costs for the offices of collector and treasurer ex officio collector. Any costs, as used in this chapter are defined as those costs that require any additional out-of-pocket expense by the offices of collector and treasurer ex officio collector and it may include reimbursement to county general revenue for the salaries of employees of the offices of collector and treasurer ex officio collector for hours worked all of which are inclusive and necessary to conduct and execute the duties and responsibilities of such offices. The tax maintenance fund may also be used by the collector and treasurer ex officio collector for training programs, purchasing new or upgrading information technology, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the offices of collector and treasurer ex officio collector, including anything necessarily pertaining thereto. The collector and treasurer ex officio collector have the sole responsibility for all expenditures made from the tax maintenance fund and shall approve all expenditures from such fund. All such expenditures from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the offices of collector or treasurer ex officio collector. The tax maintenance fund may be audited by the appropriate auditing agency. Any unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year with interest. County general revenue may also provide additional moneys for this fund. To assure the necessary funds are available for the purposes of collecting all ad valorem taxes, any county subject to the provisions of this section

other than counties of the first classification, and any city not within a county, shall provide moneys for budget purposes in an amount not less than the commissions and fees collected each year as prescribed by law in this chapter and chapter 54, RSMo. Counties of the first classification and any city not within a county subject to the provisions of this section shall provide moneys for budget purposes in an amount not less than the approved budget in the previous year and shall include the same percentage adjustments in compensation provided for other county employees as effective January first each year.

2. The collector of each county and the treasurer ex officio collector of each county having township organization pursuant to the provisions of this section shall, no later than July first, annually certify to each school district containing any portion of such county and to the department of elementary and secondary education the amount of increased commissions collected pursuant to this section and section 52.260.

3. Any provision of law to the contrary notwithstanding, or any other provision of law in conflict with the provisions of this section, in all counties pursuant to this section not having a charter form of government other than any county of the first classification and any city not within a county on or after August 28, 2000, the percentage being deducted on the total amounts of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall continue to be deducted from the collections of taxes each year and shall be deposited into the tax maintenance fund as required by subsection 1 of this section.

Section E. Section D of this act shall become effective January 1, 2000.

Section F. Section 163.031, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 163.031, to read as follows:

163.031. 1. School districts which meet the requirements of section 163.021 shall be entitled to an amount computed as follows: an amount determined by multiplying the number of eligible pupils by the lesser of the district's equalized operating levy for school purposes as defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus an amount determined by multiplying the number of eligible pupils by the greater of zero or the district's equalized operating levy for school purposes as defined in section 163.011 minus two dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section, the proration factor shall be equal to the sum of the total appropriation for distribution under subsections 1 and 2 of this section; and the state total of the deductions as calculated in subsection 2 of this section which do not exceed the district entitlements as adjusted by the same proration factor; divided by the amount of the state total of district entitlements before proration as calculated pursuant to this subsection; provided that, if the proration factor so calculated is greater than one, the proration factor for line 1(b) shall be the greater of one or the proration factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor for line 1(b) plus five hundredths.

2. From the district entitlement for each district there shall be deducted the following amounts: an amount determined by multiplying the district equalized assessed valuation by the district's equalized operating levy for school purposes times the district income factor plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year **and minus the total amount of increased commissions certified to the district by county collectors and treasurer ex officio collectors pursuant to sections 52.260 and 52.315, RSMo**; one hundred percent of the amount received the previous year for school purposes from intangible taxes, fines, forfeitures and escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax, except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included; one hundred percent of the amounts received the previous year for school purposes from federal properties pursuant to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty percent, or the percentage otherwise provided in section 163.087, of Proposition C revenues received the previous year for school purposes from the school district trust fund pursuant to section 163.087; one hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent of the amount received the previous year for school purposes from the free textbook fund, pursuant to section 148.360, RSMo.

3. School districts which meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. There shall be individual proration factors for each categorical entitlement provided for in this subsection, and each proration factor shall be determined by annual appropriations, but no categorical proration

factor shall exceed the entitlement proration factor established pursuant to subsection 1 of this section, except that the vocational education entitlement proration factor established pursuant to line 16 of subsection 6 of this section and the educational and screening program entitlements proration factor established pursuant to line 17 of subsection 6 of this section may exceed the entitlement proration factor established pursuant to subsection 1 of this section. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs pursuant to section 163.161 multiplied by the proration factor; the special education approved or allowed cost entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration factor; seventy-five percent of the district gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor; the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, multiplied by twenty percent, for a district with an operating levy in excess of two dollars and seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one hundred dollars assessed valuation times the proration factor plus the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times thirty percent times the guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the district's operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) times one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, multiplied by the proration factor; the vocational education entitlement for the district, as provided for in section 167.332, RSMo, multiplied by the proration factor and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the proration factor.

4. Each district's apportionment shall be the prorated categorical add-ons plus the greater of the district's prorated entitlement minus the total deductions for the district or zero.

5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy for school purposes to the extent necessary for the district to at least maintain the current operating expenditures per pupil received by the district from all sources in the 1992-93 school year, except that its operating levy for school purposes shall not exceed the highest tax rate in effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section 163.021, whichever is less.

(2) The revenue per eligible pupil received by a district from the following sources: line 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of this section, shall not be less than the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater. The department of elementary and secondary education shall make an addition in the payment amount of line 19 of subsection 6 of this section to assure compliance with the provisions contained in this section. **Beginning with the November 2001 state aid payment, and for each November state aid payment thereafter, each district receiving an additional payment amount pursuant to this subdivision shall also receive an additional state aid payment equal to the total amount certified to the district pursuant to the provisions of subsection 2 of section 52.315, RSMo, for the preceding year.**

(3) For any school district which meets the eligibility criteria for state aid as established in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for two successive school years, other than categorical add-ons, by August first following the second such school year, 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. 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, RSMo. 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 district related to the authority of the state board of education to classify school districts pursuant to section 161.092, RSMo, and such other rules as determined by the

commissioner of education, except that such waivers shall not include the provisions established pursuant to sections 160.514 and 160.518, RSMo.

(4) In the 1993-94 school year and each school year thereafter for two years, those districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section. For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total amount of state aid received by the district from all sources for the 1992-93 school year for which the district is entitled and which are distributed in the 1995-96 school year pursuant to subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the authority of a school district to raise its district operating levy pursuant to subdivision (1) of this subsection.

(5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of this subsection is less than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools trust fund to the state school moneys fund to the extent necessary to fund the district entitlements as modified by subdivision (4) of this subsection for that school year with a district entitlement proration factor no less than one and such transfer shall be given priority over all other uses for the outstanding schools trust fund as otherwise provided by law.

6. State aid shall be determined as follows:

District Entitlement

1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school purposes or two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... $.....

1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for school purposes minus two dollars and seventy-five cents per one hundred dollars assessed valuation) x (proration x GTB per EP)..... $.....

Deductions

2. District equalized assessed valuation x district income factor x district's equalized operating levy for school purposes plus ninety percent of any payment received the current year of protested taxes due in prior years no earlier than the 1997 tax year minus the amount of any protested taxes due in the current year and for which notice of protest was received during the current year **and minus the total amount of increased commissions certified to the district by county collectors and treasurer ex officio collectors pursuant to sections 52.260 and 52.315, RSMo, for the preceding year**..... $.....

3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the amount received the previous year for school purposes)..... $.....

4. Receipts from state assessed railroad and utility

tax (100% of the amount received the previous year for school purposes)..... $.....

5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100% of the amount received the previous year for school purposes)..... $.....

6. (Federal impact aid received the previous year for school purposes pursuant to P.L. 81-874 less $50,000) x 90% or the maximum percentage allowed by federal regulations if less than 90%..... $.....

7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C receipts from the school district trust fund received the previous year for school purposes pursuant to section 163.087..... $.....

8. One hundred percent of the amount received the previous year for school purposes from the fair share fund pursuant to section 149.015, RSMo.....$.....

9. One hundred percent of the amount received the previous year for school purposes from the free textbook fund pursuant to section 148.360, RSMo.....$.....

10. Total deductions (sum of lines 2-9)..... $.....

Categorical Add-ons

11. The amount distributed pursuant to section 163.161 x proration..... $.....

12. Special education approved or allowed cost entitlement for the district pursuant to section 162.975, RSMo, x proration..... $.....

13. Seventy-five percent of the gifted education approved or allowable cost entitlement as determined pursuant to section 162.975, RSMo, x proration..... $.....

14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x .20, if operating levy in excess of $2.75, or .22, otherwise x GTB per EP x $2.75 per $100 AV x proration..... $.....

14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus $2.75 per $100 AV) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average FIRE) x proration) - court-ordered state desegregation aid received by the district for operating purposes..... $.....

15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515, RSMo, x proration..... $.....

16. Vocational education entitlements for the district as provided in section 167.332, RSMo, x proration ..... $.....

17. Educational and screening program entitlements for the district as provided in sections 178.691 to 178.699, RSMo, x proration.....$.....

18. Sum of categorical add-ons for the district

(sum of lines 11-17)..... $.....

19. District apportionment (line 18 plus the greater of
line 1 minus line 10 or zero) ..... $.....

7. Revenue received for school purposes by each school district pursuant to this section shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax rate in the district for that fund to the total tax rate in the district for the two funds.

8. In addition to the penalty for line 14 described in subsection 6 of this section, beginning in school year 2004-05, any increase in a school district's funds received pursuant to line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one percent for each full percentage point the percentage of the district's pupils scoring at or above five percent below the statewide average level on either mathematics or reading is less than sixty-five percent.

9. If a school district's annual audit discloses that students were inappropriately identified as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of line 14 aid paid 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 the line 14 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.

Section G. Section F of this act shall become effective July 1, 2001."; and

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

Representative Reid raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Crump moved the previous question on the motion to adopt **House Amendment No. 9**.

Which motion was adopted by the following vote:

AYES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Leake	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 074

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer

Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten
Kelley 47	King	Klindt	Legan	Levin
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Secrest	Shields	Summers	Surface
Townley	Tudor	Vogel	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 004

Burton	Harlan	Scott	Stokan

VACANCIES: 001

Representative Williams (159) moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

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

House Amendment No. 10

AMEND House Substitue for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 19, Section 260.210, Line 90, by inserting after all of said line the following:

"**Section 1. 1. In any city not within a county, any land reutilization authority of such city, or any successor agency to such authority, may issue bonds, notes or other obligations not to exceed ten million dollars to fund the demolition or renovation, pursuant to this section, of any residential property under the control of such authority. For purposes of this section, the term "residential property" means any property with four or fewer dwelling units. Bonds authorized by this section shall be issued upon the adoption of an ordinance or order by the city for the purposes described in this section.**

2. Any property demolished wholly or in part via funds from bonds issued pursuant to this section may be used for any lawful purpose. Demolition funds from bonds issued pursuant to this section may, in addition to actual real property demolition and land leveling and clearance costs, include funds for the environmental remediation of, or for the repair of water, sewer, gas, telephone or electric utility access, as well as road access, to such property.

3. Any property renovated wholly or in part via funds from bonds issued pursuant to this section shall be renovated solely for sale to individuals with incomes at or below three hundred percent of the poverty level for use as a primary residence by the owner in at least one of the dwelling units. The price of the renovated housing sale shall not exceed the costs incurred for the renovation, and the buyer of any such property may use any available financing mechanism to make the purchase, including any state or federal assistance program. The governing body of the city may authorize the distribution of any portion of the funds from the bonds issued pursuant to this section to any or all of the nonprofit housing corporations located in such city, and in any percentage it sees fit to distribute to each such corporation, for the purpose of renovating any residential property under the control of the land reutilization authority, provided that the renovation and subsequent sale of such property complies with this section.

4. Bonds or notes issued pursuant to this section shall set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

5. Such bonds or notes shall bear interest at a rate set by the governing body of any city not within a

county which is establishing the programs described in this section, and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

6. Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes.

7. Bonds or notes issued by the governing body of a city not within a county shall be payable as to principal, interest and redemption premium, if any, out of the revenues from the sale of the renovated abandoned houses. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the governing body of a city not within a county within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the governing body of a city not within a county shall not be obligated to pay such bond or interest on such bond except from the revenues received from the sale of the properties funded by such bonds and that neither the full faith or credit or taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions the governing body of a city not within a county may provide in their resolutions authorizing the issuance of such bonds.

8. Any city not within a county shall use all funds received from the issuance of such bonds to fund the programs authorized pursuant to this section."; and

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

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

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 18, Section 67.410, Line 22 of said page, by inserting after all of said line the following:

"**6. All fees collected pursuant to this section by a city not within a county shall be used for the repair and demolition of residential property owned by such city. For purposes of this section, the phrase "residential property" means a dwelling which houses four or less families.**"; and

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

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

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

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 44, Section 67.493, Line 8, by inserting after all of said line the following:

"67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred thousand inhabitants, **or the governing body of any city located within a county which has enacted a county-wide sales tax for law enforcement** 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 county **or city** which are subject to taxation [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county **or city**. 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] **pursuant to** the provisions of this section shall be effective unless the governing body of the county **or city** submits to the voters of the county **or city**, at a county**, city** or state general, primary or special election, a proposal to authorize the governing body of the county **or city** to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot shall contain substantially the following:

Shall the **..... (insert** county **or city)** of ..... (county's **or city's** name) impose a **..... (insert** countywide **or citywide)** sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the **..... (insert** county **or city)**?

G Yes G 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 enter into agreements to form a regional jail district and obligates the county **or city** to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the **..... (insert** county **or city)** of ..... (county's **or city's** name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the **..... (insert** county **or city)** to impose a **..... (insert** countywide **or citywide)** sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

G Yes G 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 subdivision (1) of 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 the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of 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 county **or city** shall have no power to impose the sales tax herein authorized unless and until the governing body of the county **or city** shall again have submitted another proposal to authorize the governing body of the county **or city** to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to 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 county **or city** from the tax authorized [under] **pursuant to** the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county **or city** for so long as the tax shall remain in effect.

4. 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 providing law enforcement services for the county **or city**. 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 county **or city** funds.

5. All sales taxes collected by the director of revenue [under] **pursuant to** this section on behalf of any county, 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, t0o be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of

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

6. All sales taxes collected by the director of revenue pursuant to 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, to be known as the "City Law Enforcement Sales Tax Trust Fund". The moneys in the city public safety sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and from which city the amounts were collected, 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 revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the city public safety sales tax trust fund shall be by appropriation by the governing body of each such city. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

[6.] **7.** The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust [fund] **funds created in this section** and credited to any county **or city** for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties **or cities**. If any county **or city** abolishes the tax, the county **or city** shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the **appropriate county or city** 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 **or city**, the director of revenue shall remit the balance in the account to the county **or city** and close the account of that county **or city**. The director of revenue shall notify each county **or city** of each instance of any amount refunded or any check redeemed from receipts due the county **or city**.

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

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

Representative Hoppe raised a point of order that **House Amendment No. 12** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 161, Line 18, by adding at the end of said line the following:

"**Notwithstanding any provision of law to the contrary, no county clerk or collector shall be provided additional compensation for the collection of taxes or payments in lieu of taxes for tax increment financing funds for municipalities.**"; and

Further amend the title and enacting clause accordingly.

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

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

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by inserting after all of said line the following:

"**263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture cut-leaved teasel (Dipsacus laciniatus), common teasel (Dipsacus fullonum) and kudzu vine (Pueraria lobata) which are hereby designated as noxious and dangerous weeds to agriculture.**"; and

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

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

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

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 119, Section 144.761, Line 31, by inserting immediately after said line the following:

"**144.815. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.685, 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.500 to 67.545, 67.547, 67.581, 67.582, 67.671 to 67.700 to 67.729, 67.730 to 67.739, 67.782, RSMo, sections 92.400 to 92.420, RSMo, sections 94.500 to 94.570, 94.600 to 94.655, 94.700 to 94.755, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.745, purchases of bullion and investment coins. For purposes of this section the following terms shall mean:**

(1) "Bullion", gold, silver, platinum or palladium in a bulk state, where its value depends on its content rather than its form, with a purity of not less than nine hundred parts per one thousand; and

(2) "Investment coins", numismatic coins or other forms of money and legal tender manufactured of gold, silver, platinum, palladium or metals with a fair market value greater than the face value of the coins."; and

Further amend the title and enacting clause accordingly.

Representative Lograsso raised a point of order that **House Amendment No. 15** is not germane to the bill.

The Chair ruled the point of order not well taken.

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

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

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 150, Section 1, Lines 5-31, by striking all of said lines.

Representative Crump moved the previous question on the motion to adopt **House Amendment No. 16**.

Which motion was adopted by the following vote:

AYES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	George	Graham 24	Gratz
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 070

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Enz	Evans	Foster	Gaskill
Gibbons	Graham 106	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kelley 47	King	Klindt
Legan	Levin	Linton	Lograsso	Long
Loudon	Luetkemeyer	Marble	McClelland	Murphy
Myers	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Townley	Tudor	Vogel	Wright

PRESENT: 000

ABSENT WITH LEAVE: 007

Burton	Elliott	Green	Kasten	Miller
Naeger	Stokan			

VACANCIES: 002

Representative Backer moved that **House Amendment No. 16** be adopted.

Which motion was defeated by the following vote:

AYES: 040

Abel	Auer	Backer	Barry 100	Berkowitz
Bray 84	Campbell	Clayton	Crump	Davis 122
Davis 63	Dougherty	Foley	Franklin	Fraser
Gambaro	Graham 24	Hagan-Harrell	Harlan	Hegeman
Hilgemann	Hohulin	May 108	Mays 50	McBride
McLuckie	Ostmann	Ransdall	Relford	Riley
Rizzo	Scheve	Schilling	Shelton	Skaggs
Smith	Van Zandt	Wiggins	Williams 159	Wilson 25

NOES: 102

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Britt	Champion
Chrismer	Cierpiot	Crawford	Curls	Dolan
Enz	Evans	Farnen	Fitzwater	Ford
Foster	Froelker	Gaskill	George	Gibbons
Graham 106	Griesheimer	Gross	Gunn	Hampton
Hanaway	Hartzler 123	Hartzler 124	Hendrickson	Hickey
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Kreider	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	McClelland	McKenna	Merideth
Monaco	Murphy	Murray	Myers	Naeger
Nordwald	O'Connor	O'Toole	Overschmidt	Parker
Phillips	Pouche 30	Pryor	Purgason	Reid
Reinhart	Reynolds	Ridgeway	Robirds	Ross
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Summers	Surface	Thompson	Townley
Troupe	Tudor	Vogel	Wagner	Ward
Wright	Mr. Speaker			

PRESENT: 005

Boykins	Brooks	Patek	Williams 121	Wilson 42

ABSENT WITH LEAVE: 014

Burton	Days	Elliott	Gratz	Green
Kasten	Koller	Lakin	Lawson	Miller
Richardson	Sallee	Stokan	Treadway	

VACANCIES: 002

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

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 139, Section 260.210, Line 37, by adding an additional section thereto, as follows:

"**All corrective action plans approved by the department pursuant to chapter 260.350 through 260.430 shall require the department, upon notice by the owner or operator that the approved plan has been completed, to verify within 90 days that the corrective action plan has been complied with and completed. The department shall issue a letter within 30 business days to the owners or operators certifying the completion and compliance.**".

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

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

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17 of said page, by inserting after said line the following:

"**Section 1. Notwithstanding any provision of law to the contrary, in any dispute regarding the liability of a taxpayer for collection and remittance or payment of income, franchise, sales or use tax due on a particular type of transaction, the director of revenue shall consider whether tax has been previously collected and remitted or paid on such type of transaction by other taxpayers within the same or similar type of business or profession in this state and shall consider such information when determining the amount of tax due from the taxpayer. If the director of revenue or the administrative hearing commission determines tax has not been previously collected and remitted or paid by other taxpayers within the same or similar type of business or profession on the transaction in question, the director or the administrative hearing commission may abate previous taxes, interest and penalty related to such transaction and the taxpayer shall be liable to collect and remit or pay taxes in a prospective manner, beginning from the date of the final determination of same by the director of revenue.**"; and

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

Representative Hoppe raised a point of order that **House Amendment No. 18** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

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

Representative O'Toole offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 73, Section 135.481, Line 17, by inserting after all of said line the following:

"135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax credits in any given year, eight million dollars shall be set aside for projects [involving eligible residences] **in areas described in subdivision (6) of section 135.478** and eight million dollars for projects [involving qualifying residences] **in areas described in subdivision (10) of section 135.478**. The maximum tax credit for a project consisting of multiple- unit qualifying residences in a distressed community shall not exceed three million dollars.

2. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the department specifying the name and address of the new owner of the tax credit and the value of the credit.

3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed in addition to any other state tax credits, with the exception of the historic structures rehabilitation tax credit authorized pursuant to sections

253.545 to 253.559, RSMo, which insofar as sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections 253.545 to 253.559, RSMo, and in such cases, the amount of the tax credit pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or forty thousand dollars.

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment [into a targeted area as defined in section 135.400]. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed thirteen million dollars and at least four million dollars of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this four million dollar amount shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment [into a targeted area] shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the ten tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the ten years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

2. [The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of sections 135.400 to 135.430 shall not exceed nineteen million dollars. Six million] **Five hundred thousand** dollars in tax credits shall be available **annually from the total amount of tax credits authorized by section 32.110 and subdivision 4 of subsection 2 of section 32.115** as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business.”; and

Further amend said bill, Page 18, Section 135.516, Line 19, by inserting after all of said line the following:

“[135.766. An eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to any amount paid by the eligible small business to the United States Small Business Administration as a guaranty fee pursuant to obtaining Small Business Administration guaranteed financing and to programs administered by the United States Department of Agriculture for rural development or farm service agencies.]”; and

Further amend said bill, Page 161, Section E, by inserting the following after all of said line:

“620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. **For tax years** beginning **on or after** January 1, [1994,] **2001, the director of the department of economic development may authorize** a taxpayer [may be allowed] **to receive** a tax credit against the tax otherwise due pursuant

to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo,[if approved by the director of the department of economic development,] in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years. [In order to receive a tax credit pursuant to this section, certification by the director of the department of economic development shall be required as proof that the taxpayer made qualified research expenses during the taxable year.]

3. The director of economic development shall prescribe the manner in which the tax credit may be [claimed] **applied for**. The tax credit [allowed] **authorized** by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for [claiming] tax credits [allowed in] **authorized by the director pursuant to** subsection 2 of this section shall be made [in] **no later than the end of** the taxpayer's tax period immediately following the tax period for which the credits are being claimed. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

[4.] **6.** The aggregate of all tax credits authorized pursuant to this section shall not exceed [ten] **nine** million **seven hundred thousand** dollars in any [taxable] year.

Section F. Sections 135.403 and 620.1039 will become effective on January 1, 2001."; and

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

On motion of Representative O'Toole, **House Amendment No. 19** was adopted.

Representative Auer assumed the Chair.

Representative Crump moved the previous question on the motion to adopt **HS HCS SCS SB 894, as amended**.

Which motion was adopted by the following vote:

AYES: 082

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Liese	Luetkenhaus	May 108	Mays 50	McBride
McKenna	McLuckie	Merideth	Monaco	Murray
O'Connor	O'Toole	Overschmidt	Parker	Ransdall

Relford	Reynolds	Riley	Rizzo	Scheve
Schilling	Seigfreid	Selby	Shelton	Skaggs
Smith	Thompson	Treadway	Van Zandt	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 069

Alter	Ballard	Barnett	Bartelsmeyer	Bartle
Bennett	Berkstresser	Black	Blunt	Boatright
Champion	Chrismer	Cierpiot	Crawford	Dolan
Enz	Evans	Foster	Froelker	Gaskill
Gibbons	Graham 106	Griesheimer	Gross	Hanaway
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hohulin
Holand	Howerton	Kelley 47	King	Klindt
Legan	Levin	Linton	Lograsso	Long
Loudon	Luetkemeyer	McClelland	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Townley	Tudor	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 010

Akin	Burton	Elliott	Green	Kasten
Marble	Miller	Stokan	Troupe	Vogel

VACANCIES: 002

Representative Shields requested verification of the roll call on the adoption of the previous question.

On motion of Representative Hoppe, **HS HCS SCS SB 894, as amended,** was adopted.

On motion of Representative Hoppe, **HS HCS SCS SB 894, as amended,** was read the third time and passed by the following vote:

AYES: 144

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Fraser	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Hanaway
Harlan	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lakin	Legan	Levin	Liese	Linton
Lograsso	Long	Loudon	Luetkemeyer	Luetkenhaus
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Monaco	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Purgason	Ransdall	Reid	Reinhart

Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Summers
Surface	Thompson	Treadway	Tudor	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 007

Campbell	Franklin	Kelly 27	Lawson	Murphy
Pryor	Van Zandt			

PRESENT: 000

ABSENT WITH LEAVE: 010

Burton	Elliott	Froelker	Green	Kasten
Miller	Sallee	Stokan	Townley	Troupe

VACANCIES: 002

Representative Auer declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 147

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Gibbons	Graham 106
Graham 24	Gratz	Griesheimer	Gross	Gunn
Hagan-Harrell	Hampton	Hanaway	Harlan	Hartzler 123
Hartzler 124	Hegeman	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kelley 47	Kennedy	Kissell	Klindt	Koller
Kreider	Lakin	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murray	Myers	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Hohulin

PRESENT: 000

ABSENT WITH LEAVE: 013

Burton	Elliott	Green	Kasten	Kelly 27
King	Lawson	Miller	Murphy	Naeger
Stokan	Townley	Troupe		

VACANCIES: 002

On motion of Representative Hickey, title to the bill was agreed to.

Representative Harlan moved that the vote by which the bill passed be reconsidered.

Representative Fraser moved that motion lay on the table.

The latter motion prevailed.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SS#3 SJR 35, as amended**, and requests that the House recede from its position or, 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 **HS HCS SCS SB 542, as amended,** and has taken up and passed **HS HCS SCS SB 542, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SB 902, as amended**, and requests that the House recede from its position or, 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 passed **HB 1085.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HS HCS HBs 1566 & 1810**, entitled:

An act to repeal sections 71.794, 135.355, 135.408, 135.411, 135.423, 178.892, 620.017, 620.470 and 620.474, RSMo 1994, sections 32.105, 32.110, 67.1401, 67.1461, 135.400, 135.403, 135.430, 135.481, 135.484, 135.766, 260.285, 348.300, 348.302, 348.430, 348.432, 447.708, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1560, RSMo Supp. 1999, sections 135.200 and 135.535, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with an effective date and an emergency clause for certain sections.

With Senate Amendment No. 1, Part I of Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 22, Senate Amendment No. 23, Senate Amendment No. 24, Senate Amendment No. 27, Senate Amendment No. 28, Senate Amendment No. 29, Senate Amendment No. 30, Senate Amendment No. 31, Senate Amendment No. 32, Senate Amendment No. 33, Senate Amendment No. 34, Senate Amendment No. 36, Senate Amendment No. 39, Senate Amendment No. 40, Senate Amendment No. 41, Senate Amendment No. 42, Senate Amendment No. 43, Senate Amendment No. 45, Senate Amendment No. 46, Senate Amendment No. 47

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 16, Section 67.1461, Line 18 of said page, by inserting after the word "**county**" the following: "**, to**".

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

"**67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".**

67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:

(1) "Community comeback plan" and "plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;

(2) "Community comeback trust program" or "program", projects and strategies to promote neighborhood reinvestment through out the county including the creation of a community comeback trust board and a community comeback trust fund;

(3) "Community comeback trust fund" and "trust fund", a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

(4) "Community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community program trust fund and community comeback trust program;

(5) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;

(6) "Eligible expenses", costs qualified for funding from the community comeback trust fund which are:

(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;

(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation,

construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(7) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(8) "Petition", a petitioner's request for funding made to the community comeback trust board;

(9) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board with at least two thirds of the members of such board appointed by the chief elected official of the county or by one or more organizations with governing boards which are appointed by such chief elected official;

(10) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(11) "Priority comeback project", a funding proposal submitted to a community comeback trust board by a petitioner whose area is substantially within a priority comeback community;

(12) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a community comeback trust board by a petitioner;

(13) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(14) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(15) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.

67.484. 1. A community comeback trust program may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such board pursuant to sections 67.478 to 67.493. The board may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. The board shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust program, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such

ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the board or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a board member shall be automatically vacated when the board member changes his or her residence so as to no longer conform to the terms of the requirements of the board member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any board member's term, any board member's need to vacate his or her seat or any vacancy on the board. A board member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust program, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty-five days of the passage of the ordinance establishing the program or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the board without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust fund, subject to annual appropriations by the governing body of the county. The county government shall provide the program staff. No more than five percent of the program's annual budget shall be used for the program's annual administrative expenses.

5. The board is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the board, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the board shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The board may provide for the replacement of any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the board shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets managed by the board to the credit of the trust fund. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the board shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the board or assets of trust lawfully pledged for such trust fund, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the board may provide in the resolution authorizing the issuance of such bonds.

(5) The board may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the board, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the board whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The board is hereby declared to be performing a public function and bonds of the board are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.

67.487. 1. Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within

the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

(1) Assessed values below the county average;

(2) Median household incomes below the county median;

(3) An unemployment rate above the county average;

(4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above average salaries;

(5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and

(6) A high vacancy rate among residential, commercial and industrial properties.

5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.

6. The board may consider the following factors when determining the appropriate areas and strategies for investment:

(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;

(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;

(3) Incompatible uses that prevent economic development;

(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;

(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;

(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;

(7) The existence of conditions that are not conducive to public safety; and

(8) The lack of necessary commercial facilities normally found in neighborhoods.

7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.

8. The board shall produce an annual report focusing on the accomplishments of the program relative to the goals set forth in the plan, the goals for the next year and the challenges facing the board. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.

9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.

10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the board's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to

address the issues and recommendations contained within the management audit.

11. (1) The board shall establish an eleven member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by a not-for-profit organization which is primarily concerned with the affairs of the local governments within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to a not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing body of the county. The not-for-profit organization which is primarily concerned with the affairs of the local governments and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.

67.490. 1. The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.

3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses

that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

(a) Reducing or removing impediments to attracting home buyers;

(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

(a) Reducing or removing impediments to attracting home buyers;

(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;

(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;

(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of street lights.

6. Project categories ineligible for SNAP grant funding shall be:

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.

67.493. Of the funds available to the board, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy-five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and

(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner-occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the program."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 260.1575, Line 5 of said page, by inserting after all of said line the following:

"**Section 1. An economic development plan shall be prepared and submitted to the commission with any application for licensure pursuant to sections 313.800 to 313.850, RSMo. Such plan shall detail the revenue impact to the area in which the proposed facility is to be located, the jobs created by the proposed facility and other relevant factors to the economic development of the area proposed as the site for the facility. When determining where to locate a licensed excursion gambling boat, the commission shall give priority to those cities and counties where no current excursion gambling boat exists. The commission shall also give priority to the economic development plan required by this section.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 35, Section 67.1461, Line 9 of said page, by inserting after all of said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or

replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to [(g)] **(m)** and [(i) to (l)] **(o) to (r)** of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Airports, flying fields, and airport terminal services classified as SIC 4581;

(h) Wholesale trade activities classified as SICs 50 and 51;

(i) Insurance carriers activities classified as SICs 631, 632 and 633;

(j) Research and development activities classified as SIC 873, except 8733;

(k) Farm implement dealer activities classified as SIC 5999;

(l) Interexchange telecommunications services as defined in subdivision [(20)] **(24) or local exchange telecommunications services as defined in subdivision (13)** of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in [subdivision (19)] **subdivisions (23) and (30)** of section 386.020, RSMo;

(m) Recycling activities classified as SIC 5093;

(n) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(o) Mining activities classified as SICs 10 through 14;

(p) Computer programming, data processing and other computer-related activities classified as SIC 737;

(q) The administrative management of any of the foregoing activities; or

(r) Any combination of any of the foregoing activities;

A revenue-producing enterprise which is identified by an SIC classification number includes enterprises with the corresponding classification number in the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget.

(12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue- producing enterprise;

(13) "SIC", the **primary** standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget**. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at a new business facility during the taxpayer's tax period in which such tax credits are being claimed**;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.

[135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the

transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The "property factor" is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The "payroll factor" is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue-producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Wholesale trade activities classified as SICs 50 and 51;

(h) Insurance carriers activities classified as SICs 631, 632 and 633;

(i) Research and development activities classified as SIC 873, except 8733;

(j) Farm implement dealer activities classified as SIC 5999;

(k) Interexchange telecommuni-cations services as defined in subdivision (24) or local exchange telecommunications services as defined in subdivision (31) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company or by a local exchange telecommunications company as defined in subdivisions (23) and (30) of section 386.020, RSMo;

(l) Recycling activities classified as SIC 5093;

(m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(n) Mining activities classified as SICs 10 through 14;

(o) Computer programming, data processing and other computer-related activities classified as SIC 737;

(p) The administrative management of any of the foregoing activities; or

(q) Any combination of any of the foregoing activities;

(12) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue-producing enterprise;

(13) "SIC", the primary standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo.]"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 97, Section 620.1420, Line 20, by inserting immediately after the word "**industry**", as it appears the first time in said line, the following:

"**, long term care facilities licensed under Chapter 198,**".

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 57, Section 135.535, Line 4 of said page, by inserting immediately after said line the following:

"**135.918. This section shall be known and may be cited as the "Missouri Agricultural Investment Tax Credit Act". For tax years beginning on or after January 1, 2000, but before December 31, 2004, an individual taxpayer who qualifies as a farmer pursuant to Section 6654(i)(2) of Title 26 of the Internal Revenue Code or a corporate taxpayer who qualifies as a farming corporation pursuant to chapter 350, RSMo, shall be allowed to claim a nonrefundable credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, in an amount equal to ten percent of the cost of any item which is allowable as an expensing election pursuant to Section 179 of the Internal Revenue Code for the same tax year. The tax credit allowed pursuant to this section shall not exceed five hundred dollars. An eligible taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return; provided that, a taxpayer who fails to timely file such taxpayer's return, including extensions, shall not be eligible for a credit pursuant to this section. Any amount of credit that exceeds the tax due for a taxpayer's tax year may be carried back to any of the taxpayer's three prior tax years or carried forward to any of the taxpayer's five subsequent tax years. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"**99.053. 1. Notwithstanding any provision of section 99.050 to the contrary regarding the number of housing commissioners, in any political subdivision except those described in subsection 2 of this section, a sixth housing commissioner may be appointed. Such a commissioner may be appointed, in the same manner as other appointees pursuant to section 99.050, if the housing authority determines that such a commissioner is needed to fulfill any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner. Any commissioner appointed to serve as a commissioner for the purposes of meeting the requirement of having a person who is directly assisted by the housing authority shall forfeit such appointment if that person:**

(1) Ceases to meet the requirements of housing commissioners pursuant to section 99.050; or

(2) Ceases receiving direct assistance from the housing authority for which he or she is a commissioner.

2. The provisions of this section shall not apply to those housing authorities:

(1) Located within a city not within a county;

(2) Located within a city with a population of over four hundred thousand inhabitants;

(3) Which are exempted, pursuant to federal law or regulation, from any federal requirement stating that at least one person who receives direct assistance from the housing authority shall serve as a commissioner."; and

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

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 11, Section 32.110, Line 5 of said page, by inserting after all of said line the following:

"64.090. 1. For the purpose of promoting health, safety, morals, comfort or the general welfare of the unincorporated portion of counties, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with a comprehensive plan, the county commission in all counties of the first class, as provided by law, except in counties of the first class not having a charter form of government, is hereby empowered to regulate and restrict, by order, in the unincorporated portions of the county, the height, number of stories and size of buildings, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, including areas for agriculture, forestry and recreation.

2. The provisions of this section shall not apply to the incorporated portions of the counties, nor to the raising of crops, livestock, orchards, or forestry, nor to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This section shall not apply to the erection, maintenance, repair, alteration or extension of farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This section shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

3. The powers by sections 64.010 to 64.160 given shall not be exercised so as to deprive the owner, lessee or tenant of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted except that reasonable regulations may be adopted for the gradual elimination of nonconforming uses, nor shall anything in sections 64.010 to 64.160 interfere with such public utility services as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order issued by the public service commission, or by permit of the county commission.

4. For the purpose of any zoning regulation adopted under the provisions of sections 64.010 to 64.160, the classification of single-family dwelling or single-family residence shall include any home in which eight or fewer

unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons. The classification of single-family dwelling or single-family residence shall also include any private residence licensed by the division of family services or department of mental health to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption. A zoning regulation may require that the exterior appearance of the home and property be in reasonable conformance with the general neighborhood standards and may also establish reasonable standards regarding the density of such individual homes in any specific single-family dwelling or single-family residence area. Should a single-family dwelling or single-family residence as defined in this subsection cease to operate for the purposes specified in this subsection, any other use of such dwelling or residence, other than that allowed by the zoning regulations, shall be approved by the county board of zoning adjustment. Nothing in this subsection shall be construed to relieve the division of family services, the department of mental health or any other person, firm or corporation occupying or utilizing any single-family dwelling or single-family residence for the purposes specified in this subsection from compliance with any ordinance or regulation relating to occupancy permits except as to number and relationship of occupants or from compliance with any building or safety code applicable to actual use of such single-family dwelling or single-family residence.

5. Except in subsection 4 of this section, nothing contained in sections 64.010 to 64.160 shall affect the existence or validity of an ordinance which a county has adopted prior to March 4, 1991.

6. In any county of the first classification having a charter form of government and with a population of more than six hundred thousand but less than nine hundred thousand inhabitants, any zoning ordinance or order granting a conditional use permit adopted by the governing legislative body of such county pursuant to this section shall:

(1) Be deemed enacted thirty days after passage; and

(2) Not be subject to any veto power or other power to disapprove such ordinance or order from the executive of such county."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 48, Section 178.892, Line 58, by inserting after all of said line the following:

"208.750. 1. Sections 208.750 to 208.775 shall be known and may be cited as the "Family Development Account Program".

2. For purposes of sections 208.750 to 208.775, the following terms mean:

(1) "Account holder", a person who is the owner of a family development account;

(2) **"Accredited institution of higher education", a university, college, community college, secondary, vocational or technical school located within the state of Missouri and accredited by an accrediting organization recognized by the department or any institution wherein a teacher can complete department of elementary and secondary education-approved teaching experience for purposes of teacher certification;**

(3) "Community-based organization", any religious or charitable [association formed pursuant to chapter 352, RSMo,] **not-for-profit organization which is tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code,** that is approved by the director of the department of economic development to implement the family development account program;

[(3)] **(4)** "Department", the department of economic development;

[(4)] **(5)** "Director", the director of the department of economic development;

[(5)] **(6)** "Family development account", a financial instrument established pursuant to section 208.760;

[(6)] **(7)** "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;

[(7)] **(8)** "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

[(8)] **(9)** "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the

director for participation in the program;

[(9)] **(10)** "Program", the Missouri family development account program established in sections 208.750 to 208.775;

[(10)] **(11)** "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder."; and

Further amend said bill, Page 66, Section B, Line 2, by striking "**contained in this act**" and inserting in lieu thereof the following:

"32.105, 32.110, 67.1401, 67.1411, 67.1421, 67.1431, 67.1441, 67.1461, 67.1471, 67.1491, 67.1521, 67.1531, 67.1545, 67.1551, 135.200, 135.355, 135.400, 135.403, 135.405, 135.408, 135.411, 135.423, 135.429, 135.430, 135.478, 135.484, 135.535, 135.545, 135.766, 178.892, 348.300, 348.302, 447.708, 620.470, 620.474, 620.1039, 620.1400, 620.1420, 620.1430, 620.1440, 620.1450, 620.1470, 620.1472, 620.1560 and 620.1575"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

"**620.1730. Sections 620.1730 to 620.1787 shall be known and cited as the "Missouri Business and Industrial Development Companies Act" or "Missouri BIDCO Act".**

620.1733. As used in sections 620.1730 to 620.1787, the following terms mean:

(1) "Affiliate of a BIDCO":

(a) Any person, directly or indirectly owning, controlling or holding power to vote fifteen percent or more of the outstanding voting securities or other ownership interests of the Missouri business and industrial development company;

(b) Any person fifteen percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the Missouri business and industrial development company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri business and industrial development company;

(d) A partnership in which the Missouri business and industrial development company is a general partner;

(e) Any person who is an officer, director, or agent of the Missouri business and industrial development company or an immediate family member of such officer, director, or agent;

(2) "BIDCO", a business and industrial development company licensed under this act;

(3) "Business firm", a person that transacts business on a regular and continual basis, or a person that proposes to transact business on a regular and continual basis;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(6) "Entity", a general partnership, a limited partnership, a corporation, including a not-for-profit corporation, or limited liability company;

(7) "License", a license issued under this act authorizing a Missouri entity to transact business as a BIDCO;

(8) "Licensee", a Missouri entity which is licensed under this act;

(9) "Person", an individual, proprietorship, joint venture, partnership, limited liability company, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization;

(10) "This act", includes an order issued or rules promulgated under this act.

620.1736. 1. The director shall administer this act. The director may issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce, and effectuate the purposes of this act. Any rules promulgated shall be promulgated in accordance with the administrative procedure and review act contained

in chapter 536, RSMo.

2. Whenever the director issues an order or license under this act, the director may impose conditions that are necessary, in the opinion of the director, to carry out this act and the purposes of this act.

3. The director may honor applications from interested persons for declaratory rulings regarding any provision of this act.

4. Every final order, decision, license, or other official act of the director under this act is subject to judicial review in accordance with law.

5. An application filed with the director under this act shall be in such a form and contain such information as the director may require.

620.1739. 1. The director may make public or private investigations within or outside this state that the director considers necessary to determine whether to approve an application filed with the director under this act, to determine whether a person has violated or is about to violate this act, to aid in the enforcement of this act, or to aid in issuing an order or promulgating a rule under this act.

2. For purposes of an investigation, examination, or other proceeding under this act, the director may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant or material to the proceeding.

3. If a person fails to comply with a subpoena issued by the director or to testify with respect to a matter concerning which the person may be lawfully questioned, the circuit court for Cole County, on application of the director, may issue an order requiring the attendance of the person and the giving of testimony or production of evidence.

4. Service of process authorized to be made by the director in connection with a noncriminal proceeding under this act may be made by registered or certified mail.

620.1742. 1. The director may establish annually a schedule of fees sufficient to pay for the department's costs of administering the Missouri BIDCO act. The fees may be charged for:

(1) For filing an application for a licensee;

(2) For filing an application for approval to acquire control of a licensee;

(3) For filing an application for approval for a licensee to merge with another Missouri entity, an application for approval for a licensee to purchase all or substantially all of the business of another person, or an application for approval for a licensee to sell all or substantially all of its business or of the business of any of its offices to another licensee;

(4) For annual license renewal; and

(5) For examination of the licensee.

2. A fee for filing an application with the director is nonrefundable and is to be paid at the time the application is filed with the director.

3. If any fees or penalties provided for in this act are not paid when required, the attorney general may maintain an action against the delinquent licensee to recover the fees or penalties, together with interest and costs.

4. A licensee or an affiliate or subsidiary of a licensee that fails to submit a report as required in the Missouri BIDCO act is subject to a penalty of twenty-five dollars for each day the report is delinquent or one thousand dollars, whichever is less.

5. Money collected under this section shall be paid into the state treasury to the credit of the department and used only for the operation of the department.

620.1745. 1. A licensee shall make and keep books, accounts, and other records in a form and manner as the director may require. These records shall be kept at a place and shall be preserved for a length of time as the director may require.

2. The director may require by order that a licensee write down any asset on its books and records to a valuation which represents its then value.

3. Not more than one hundred twenty days after the close of each calendar year or a longer period if specified by the director, a licensee shall file with the director an audit report containing all of the following:

(1) Financial statements, including balance sheet, statement of income or loss, statement of change in capital accounts, and statement of changes in financial position or, for a licensee that is a Missouri nonprofit corporation, comparable financial statements for, or as of the end of, the calendar year, prepared with an audit by an independent certified public accountant or an independent public accountant in accordance with generally

accepted accounting principles;

(2) A report, certificate, or opinion of the independent certified public accountant or independent public accountant who performs the audit, stating that the financial statements were prepared in accordance with generally accepted accounting principles; and

(3) Other information that the director may reasonably require.

4. If a person other than a licensee makes or keeps the books, accounts, or other records of that licensee, this act applies to that person with respect to the performance of those services and with respect to those books, accounts, and other records to the same extent as if that person were the licensee.

5. If a person other than an affiliate or subsidiary of a licensee makes or keeps any of the books, accounts, or other records of that affiliate or subsidiary, this section applies to that person with respect to those books, accounts, and other records to the same extent as if that person were the affiliate or subsidiary.

6. If the director considers it expedient, the director may require any particular licensee to obtain the approval of the director before permitting another person to make or keep any of the books, accounts, or other records of the licensee.

620.1748. Each licensee, each affiliate of a licensee, and each subsidiary of a license shall file with the director such reports as and when the director may require. A report under this section shall be in such a form and shall contain such information as the director may require.

620.1751. 1. After a review of information regarding the directors, officers, partners, managers, and controlling persons of the applicant, a review of the applicant's business plan, including at least three years of detailed financial projections and other relevant information, and a review of additional information considered relevant by the director, the director shall approve an application for a license if, and only if, the director determines all of the following:

(1) The applicant has a net worth, or firm financing commitments which demonstrate that the applicant will have a net worth when the applicant begins transacting business as a BIDCO, in liquid form available to provide financing assistance, that is adequate for the applicant to transact business as a BIDCO as determined under this section;

(2) Each director, officer, partner, manager, and controlling person of the applicant is of good character and sound financial standing, is competent to perform his or her functions with respect to the applicant, and that the directors, officers, partners, and managers of the applicant are collectively adequate to manage the business of the applicant as a BIDCO;

(3) It is reasonable to believe that the applicant, if licensed, will comply with this act; and

(4) The applicant has reasonable promise of being a viable, ongoing BIDCO and of satisfying the basic objectives of its business plan.

2. In determining if the applicant has a net worth or firm financing commitments adequate to transact business as a BIDCO, the director shall consider the types and variety of financing assistance that the applicant plans to provide, the experience that the directors, officers, partners, managers, and controlling persons of the applicant have in providing financing and managerial assistance to business firms, the financial projections and other relevant information from the applicant's business plan, and whether the applicant intends to operate as a profit or nonprofit corporation. Except as otherwise provided in this act, the director shall require a minimum net worth of one million dollars.

620.1754. If the director denies an application under sections 620.1730 to 620.1787, the director shall provide the applicant with a written statement explaining the basis for the denial.

620.1757. If an application for a license is approved and all conditions precedent to the issuance of that license are fulfilled, the director shall issue a license to the applicant. A licensee shall post the license in a conspicuous place in the licensee's principal office. A license is not transferable or assignable without the permission of the director.

620.1760. 1. Except as otherwise provided in subsection 2 of this section, a person transacting business in this state, other than a licensee, shall not use a name or title which indicates that the person is a business and industrial development company including, but not limited to, use of the term "BIDCO", and shall not otherwise represent that the person is a business and industrial development company or a licensee.

2. Before being issued a license under this act, a Missouri entity that proposes to apply for a license or that applies for a license may perform, under a name that indicates that the entity is a business and industrial development entity, the acts necessary to apply for and obtain a license and to otherwise prepare to commence transacting business as a licensee. Such an entity shall not represent that it is a licensee until after the license has

been obtained.

3. A licensee shall not misrepresent the meaning or effect of its license.

4. The name of each licensee shall include the word "BIDCO". A licensee shall not transact business under any other name.

620.1763. 1. After complying with subsection 2 a licensee may apply to the director to have the director accept the surrender of the licensee's license. If the director determines that the requirements of this section have been satisfied, the director shall approve the application unless in the opinion of the director the purpose of the application is to evade a current or prospective action by the director.

2. Not less than sixty days before filing an application with the director under subsection 1, a licensee shall notify all of its creditors of its intention to file the application.

620.1766. 1. Each corporate licensee shall have at least three members of its board of directors, each general partnership licensee shall have at least three general partners, each limited partnership shall have at least three general partners or a corporate general partner that has at least three directors and each limited liability company licensee shall have at least three managers.

2. The managers of each licensee described in subsection 1 of this section shall hold a meeting not less than once each calendar quarter.

3. Within thirty days after the death, resignation, or removal of a director, officer, partner, or manager, the election of a director or manager or the appointment of an officer, or the admission of a partner, the licensee shall notify the director in writing of the event and shall provide any additional information which the director may require.

620.1769. 1. A licensee shall maintain not less than one office in this state.

2. A licensee shall post in a conspicuous place at each of its offices a sign which bears the corporate name of the licensee.

3. Upon written notice to the director, a licensee may establish, relocate, or close an office.

620.1772. 1. The business of a licensee shall be to provide financing assistance and management assistance to business firms. A licensee shall not engage in a business other than providing financing assistance and management assistance to business firms.

2. The powers of a licensee include, but are not limited to, all of the following:

(1) To borrow money and otherwise incur indebtedness for its purposes, including issuance of corporate bonds, debentures, notes, or other evidence of indebtedness. A licensee's indebtedness may be secured or unsecured, and may involve equity features including, but not limited to, provisions for conversion to stock and warrants to purchase stock;

(2) To make contracts;

(3) To incur and pay necessary and incidental operating expenses;

(4) To purchase, receive, hold, lease, or otherwise acquire, or to sell, convey, mortgage, lease, pledge, or otherwise dispose of, real or personal property, together with rights and privileges that are incidental and appurtenant to these transactions of real or personal property, if the real or personal property is for the licensee's use in operating its business or if the real or personal property is acquired by the licensee from time to time in satisfaction of debts or enforcement of obligations;

(5) To make donations for charitable, educational, research, or similar purposes;

(6) To implement a reasonable and prudent policy for conserving and investing its money before the money is used to provide financing assistance to business firms or so pay the expenses of the licensee; and

(7) To lend money upon such terms and conditions as it deems reasonable.

620.1775. 1. A licensee may determine the form and the terms and conditions for financing assistance provided by that licensee to a business firm including, but not limited to, forms such as loans; purchase of debt instruments; straight equity investments such as purchase of common stock, preferred stock, or membership interests, debt with equity features such as warrants to purchase stock or membership interests, convertible debentures, or receipt of a percent at net income or sales royalty based financing; guaranteeing of debt; or leasing of property. A licensee may purchase securities and membership interests of a business firm either directly or indirectly through an underwriter. A licensee may participate in the program of the small business administration pursuant to section 7(a) of the Small Business Act, Public Law 85:536, 15 U.S.C. 636(a), or any other government program for which the licensee is eligible and which has as its function the provision or facilitation of financing assistance or management assistance to business firms. If a licensee participates in a program referred to in this subsection, the license shall comply with the requirements of that program.

2. Management assistance provided by a licensee to a business firm may encompass both management or technical advice and management or technical services.

3. Financing assistance or management assistance provided by a licensee to a business firm shall be for the business purposes of that business firm.

4. A licensee may exercise the incidental powers that are necessary or convenient to carry on the business of, or are reasonably related to the business of, providing financing assistance and management assistance to business firms.

620.1778. 1. A licensee shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition.

2. In determining whether a licensee is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the director shall not consider the risk of a provision of financing assistance to a business firm, unless the director determines that the risk is so great compared with the realistically expected return as to demonstrate gross mismanagement.

3. Subsection 2 of this section authorizes but does not limit the authority of the director to do any of the following:

(1) Determine that a licensee's financing assistance to a single business firm or a group of affiliated business firms is in violation of subsection 1 of this section or constitutes an unsafe or unsound act, if the amount of that financing assistance is unduly large in relation to the total assets or the total shareholders equity of the licensee;

(2) Require that a licensee maintain a reserve in the amount of anticipated losses; and

(3) Require that a licensee have in effect a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The director shall not require that a licensee adopt a financing assistance policy that contains standards which prevent the licensee from exercising needed flexibility in evaluating and structuring financing assistance to business firms on a deal by deal basis.

620.1781. 1. Without the prior approval of the director, a person shall not acquire control of a licensee.

2. With respect to an application for approval to acquire control of a licensee, if the director determines, that the applicant and the directors, officers, and managers of the applicant are of good character and sound financial standing, that it is reasonable to believe that, if the applicant acquires control of the licensee, the applicant will comply with this act, and that the applicant's plans, if any, to make a major change in the business, corporate structure, or management of the licensee are not detrimental to the safety and soundness of the licensee, the director shall approve the application. If, after notice and a hearing, the director determines otherwise, the director shall deny the application.

3. For purposes of this section, the director may determine any of the following:

(1) That an applicant or a director, officer, or manager of an applicant is not of good character if that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty;

(2) That an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee if the plan provides for a person to become a director, officer, or manager of the licensee and that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty; and

(3) The conditions described in subsection 3 of this section are not the only conditions upon which the commissioner may determine that an applicant or a director, officer, or manager of an applicant is not of good character or that an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee.

620.1784. 1. A licensee shall not merge with another entity:

(1) If the licensee is the surviving entity, the merger is approved by the director; or

(2) If the licensee is a disappearing entity, the surviving entity is a licensee and the merger is approved by the director.

2. A licensee shall not purchase all or substantially all of the business of another person unless the purchase is approved by the director.

3. A licensee shall not sell all or substantially all of its business or of the business of any of its offices to another person unless that other person is a licensee and the sale is approved by the director.

4. The director shall approve an application for approval of a merger, purchase, or sale, if, and only if, the director determines all of the following:

(1) That the merger, purchase, or sale will be safe and sound with respect to the acquiring licensee;

(2) That, upon consummation of the merger, purchase, or sale, it is reasonable to believe that the acquiring

licensee will comply with this act; and

(3) That the merger, purchase, or sale will not have a major detrimental impact on competition in the providing of financial assistance or management assistance to business firms, or if there will be such a detrimental impact, that the merger, purchase, or sale is necessary in the interests of the safety and soundness of any of the parties to the merger, purchase, or sale, or is otherwise, on balance, in the public interest.

620.1787. 1. If in the opinion of the director, a person violates, or there is reasonable cause to believe that a person is about to violate this act, the director may bring an action in the name of the people of this state in a circuit court to enjoin the violation or to enforce compliance with this act. Upon a proper showing, a restraining order, preliminary or permanent injunction, or writ of mandamus shall be granted, and a receiver or a conservator may be appointed for the defendant or the defendant's assets. The court shall not require the director to post a bond in an action brought under this act.

2. A person having custody of any of the books, accounts, or other records of a licensee shall not willfully refuse to allow the director, upon request, to inspect or make copies of any of those books, accounts, or other records."; and

Further amend said bill, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

"313.835. 1. All revenue received by the commission from license fees, penalties, administrative fees, reimbursement by any excursion gambling boat operators for services provided by the commission and admission fees authorized pursuant to the provisions of sections 313.800 to 313.850 shall be deposited in the state treasury to the credit of the "Gaming Commission Fund" which is hereby created for the sole purpose of funding the administrative costs of the commission, subject to appropriation. Moneys deposited into this fund shall not be considered proceeds of gambling operations. Moneys deposited into the gaming commission fund shall be considered state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming commission fund shall be credited to the gaming commission fund. In each fiscal year, total revenues to the gaming commission fund for the preceding fiscal year shall be compared to total expenditures and transfers from the gaming commission fund for the preceding fiscal year. The remaining net proceeds in the gaming commission fund shall be distributed in the following manner:

(1) The first five hundred thousand dollars shall be appropriated on a per capita basis to cities and counties that match the state portion and have demonstrated a need for funding community neighborhood organization programs for the homeless and to deter gang-related violence and crimes;

(2) The remaining net proceeds in the gaming commission fund for fiscal year 1998 and prior years shall be transferred to the "Veterans' Commission Capital Improvement Trust Fund", as hereby created in the state treasury. The state treasurer shall administer the veterans' commission capital improvement trust fund, and the moneys in such fund shall be used solely, upon appropriation, by the Missouri veterans' commission for:

(a) The construction, maintenance or renovation or equipment needs of veterans' homes in this state;

(b) The construction, maintenance, renovation, equipment needs and operation of veterans' cemeteries in this state;

(c) Fund transfers to Missouri veterans' homes fund established pursuant to the provisions of section 42.121, RSMo, as necessary to maintain solvency of the fund; [and]

(d) Fund transfers to any municipality with a population greater than four hundred thousand and located in part of a county with a population greater than six hundred thousand in this state which has established a fund for the sole purpose of the restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I. Appropriations from the veterans' commission capital improvement trust fund to such memorial fund shall be provided only as a one-time match for other funds devoted to the project and shall not exceed five million dollars. Additional appropriations not to exceed two million dollars total may be made from the veterans' commission capital improvement trust fund as a match to other funds for the renovation of other facilities dedicated as veterans' memorials in the state. All appropriations for renovation, reconstruction, and maintenance of veterans' memorials shall be made only for applications received by the Missouri veterans' commission prior to July 1, 2000**; and**

(e) Fund transfers to the Missouri veterans' business council fund established pursuant to section 620.1725, RSMo.

Any interest which accrues to the fund shall remain in the fund and shall be used in the same manner as moneys which are transferred to the fund pursuant to this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the veterans' commission capital improvement trust fund at the end of any biennium shall not be transferred to the credit of the general revenue fund;

(3) The remaining net proceeds in the gaming commission fund for fiscal year 1999 and each fiscal year thereafter

shall be distributed as follows:

(a) Three million dollars shall be transferred to the veterans' commission capital improvement trust fund;

(b) Three million dollars shall be transferred to the Missouri national guard trust fund created in section 41.214, RSMo;

(c) Three million dollars shall be transferred to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo, and additional moneys as annually appropriated by the general assembly shall be appropriated to such fund;

(d) Subject to appropriations, one hundred percent of remaining net proceeds in the gaming commission fund except as provided in paragraph (l) of this subdivision, shall be transferred to the "Early Childhood Development, Education and Care Fund" which is hereby created to give parents meaningful choices and assistance in choosing the child-care and education arrangements that are appropriate for their family. All interest received on the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Any moneys deposited in such fund shall be used to support programs that prepare children prior to the age in which they are eligible to enroll in kindergarten, pursuant to section 160.053, RSMo, to enter school ready to learn. All moneys deposited in the early childhood development, education and care fund shall be annually appropriated for voluntary, early childhood development, education and care programs serving children in every region of the state not yet enrolled in kindergarten;

(e) No less than sixty percent of moneys deposited in the early childhood development, education and care fund shall be appropriated as provided in this paragraph to the department of elementary and secondary education and to the department of social services to provide early childhood development, education and care programs through competitive grants to, or contracts with, governmental or private agencies. Eighty percent of such moneys pursuant to the provisions of this paragraph and additional moneys as appropriated by the general assembly shall be appropriated to the department of elementary and secondary education and twenty percent of such moneys pursuant to the provisions of this paragraph shall be appropriated to the department of social services. The departments shall provide public notice and information about the grant process to potential applicants.

a. Grants or contracts may be provided for:

(i) Start-up funds for necessary materials, supplies, equipment and facilities; and

(ii) Ongoing costs associated with the implementation of a sliding parental fee schedule based on income;

b. Grant and contract applications shall, at a minimum, include:

(i) A funding plan which demonstrates funding from a variety of sources including parental fees;

(ii) A child development, education and care plan that is appropriate to meet the needs of children;

(iii) The identity of any partner agencies or contractual service providers;

(iv) Documentation of community input into program development;

(v) Demonstration of financial and programmatic accountability on an annual basis;

(vi) Commitment to state licensure within one year of the initial grant, if funding comes from the appropriation to the department of elementary and secondary education and commitment to compliance with the requirements of the department of social services, if funding comes from the department of social services; and

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;

c. In awarding grants and contracts pursuant to this paragraph, the departments may give preference to programs which:

(i) Are new or expanding programs which increase capacity;

(ii) Target geographic areas of high need, namely where the ratio of program slots to children under the age of six in the area is less than the same ratio statewide;

(iii) Are programs designed for special needs children;

(iv) Are programs that offer services during nontraditional hours and weekends; or

(v) Are programs that serve a high concentration of low-income families;

d. Beginning on August 28, 1998, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of

the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;

(f) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide early childhood development, education and care programs through child development, education and care certificates to families whose income does not exceed one hundred eighty-five percent of the federal poverty level in the manner pursuant to 42 U.S.C. 9858c(c)(2)(A) and 42 U.S.C. 9858n(2) for the purpose of funding early childhood development, education and care programs as approved by the department of social services. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. On February first of each year the department shall certify the total amount of child development, education and care certificates applied for and the unused balance of the funds shall be released to be used for supplementing the competitive grants and contracts program authorized pursuant to paragraph (e) of this subdivision;

(g) No less than ten percent of moneys deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to increase reimbursements to child care facilities for low-income children that are accredited by a recognized, early childhood accrediting organization;

(h) No less than ten percent of the funds deposited in the early childhood development, education and care fund shall be appropriated to the department of social services to provide assistance to eligible parents whose family income does not exceed one hundred eighty-five percent of the federal poverty level who wish to care for their children under three years of age in the home, to enable such parent to take advantage of early childhood development, education and care programs for such parent's child or children. At a minimum, the certificate shall be of a value per child which is commensurate with the per child payment [under] **pursuant to** item (ii) of subparagraph a. of paragraph (e) of this subdivision pertaining to the grants or contracts. The department of social services shall provide assistance to these parents in the effective use of early childhood development, education and care tools and methods;

(i) In setting the value of parental certificates [under] **pursuant to** paragraph (f) of this subdivision and payments [under] **pursuant to** paragraph (h) of this subdivision, the department of social services may increase the value based on the following:

a. The adult caretaker of the children successfully participates in the parents as teachers program pursuant to the provisions of sections 178.691 to 178.699, RSMo, a training program provided by the department on early childhood development, education and care, the home-based Head Start program as defined in 42 U.S.C. 9832 or a similar program approved by the department;

b. The adult caretaker consents to and clears a child abuse or neglect screening pursuant to subdivision (1) of subsection 2 of section 210.152, RSMo; and

c. The degree of economic need of the family;

(j) The department of elementary and secondary education and the department of social services each shall by rule promulgated pursuant to chapter 536, RSMo, establish guidelines for the implementation of the early childhood development, education and care programs as provided in paragraphs (e) through (i) of this subdivision;

(k) [Any] **No** rule or portion of a rule[, as that term is defined in section 536.010, RSMo, that is] promulgated [under] **pursuant to** the authority [delegated in] **of** paragraph (j) of this subdivision shall become effective [only if the agency has fully complied with all of the requirements of] **unless it has been promulgated pursuant to the provisions of** chapter 536, RSMo[, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998];

(l) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund annually exceeds twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred annually, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo.

2. Upon request by the veterans' commission, the general assembly may appropriate moneys from the veterans' commission capital improvements trust fund to the Missouri national guard trust fund to support the activities described in section 41.958, RSMo."; and

Further amend said bill, Page 106, Section 620.1575, Line 59, by inserting immediately after said line the following:

"**620.1700. Sections 620.1700 to 620.1725 shall be known and may be cited as the "Missouri Veterans' Business Council Act".**

620.1705. For the purposes of sections 620.1700 to 620.1725 the following terms mean:

(1) "Council", the Missouri veterans' business council established in section 620.1710;

(2) "Disabled veteran", a veteran who has served on active or reserve duty in the armed forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a national guard veteran who was permanently disabled as a result of active or reserve service to the state at the call of the governor;

(3) "Seed capital", capital provided for start up veteran and disabled veteran owned businesses located in Missouri;

(4) "Veteran", any person who is a citizen of this state who has been separated under honorable conditions from the armed forces of the United States who served on active duty during peacetime or wartime for at least six consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or national guard component who has satisfactorily completed at least six years of service or who was called or ordered to active duty by the President.

620.1710. 1. There is hereby established within the department of economic development the "Missouri Veterans' Business Council".

2. The Missouri veterans' business council shall consist of fifteen members to be appointed by the governor with the advice and consent of the senate. Four members shall be veteran business owners, three members shall be disabled veteran business owners, three members shall be veterans working in the professional community and five members shall be from businesses that provide services to veterans. The lieutenant governor and the director of the department of economic development shall serve as ex officio members of the board. Each appointed member shall serve for a term of four years and until a successor is duly appointed; except that, of the members first appointed four members shall serve for terms of four years, four members shall serve for terms of three years, four members shall serve for terms of two years and three members shall serve terms of one year. The council shall meet at least four times each year at the call of the chairperson or upon a call of at least eight members of the council. The members of the council shall receive no compensation, but shall be reimbursed for all necessary and actual expenses incurred in the performance of their official duties on the council.

3. The director of the department of economic development shall assign sufficient staff to state offices in Jefferson City, St. Louis, Springfield and Kansas City to carry out the duties required by sections 620.1700 to 620.1725.

620.1715. The duties of the Missouri veterans' business council shall include, but are not limited to, the following:

(1) Identifying veteran owned businesses and disabled veteran owned businesses in this state;

(2) Performing certification of veteran owned businesses and disabled veteran owned businesses;

(3) Conducting an initial review of all state policies and programs as they impact veteran owned businesses and disabled veteran owned businesses. The findings and recommendations of the council based on this review shall be reported annually to the governor and the general assembly by January fifteenth;

(4) Monitoring and commenting on legislative proposals at the state, county and local levels;

(5) Providing public information, which is accessible through various media including the Internet, listservs, newsletters and periodical mailings;

(6) Establishing a microloan revolving loan program for the operation and delivery of entrepreneurial support programs and services provider, including authorizing tax credits to create and fund such programs, and providing conferences, training and technical assistance;

(7) Writing and accepting grants;

(8) Developing an outreach, media and public relations plan;

(9) Maintaining a working relationship with other governmental agencies as they relate to business growth;

(10) Providing seed capital money for start-up veteran and disabled veteran owned businesses; and

(11) Administering the Missouri veterans' business council fund created pursuant to section 620.1725.

620.1720. 1. A taxpayer shall be allowed a credit against the tax otherwise due pursuant to chapter 143, 147 or 148, RSMo, excluding taxes withheld pursuant to sections 143.191 to 143.265, RSMo, equal to fifty percent of the amount of any money or property such taxpayer contributed to the Missouri veteran's business council fund. Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit issued to a taxpayer by the Missouri veterans' business council may be assigned, transferred, sold or otherwise conveyed. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed by the new owner with the director of revenue specifying the name and address of the new owner of the tax credit and the value of the credit. As used in this section, the term "taxpayer" means any person, partnership, corporation, trust or limited liability company.

2. To obtain a tax credit pursuant to this section, a taxpayer shall submit to the Missouri veterans' business council an application for tax credit and proof of a contribution which qualifies the taxpayer for a tax credit. Upon receipt of acceptable proof of contribution, the Missouri veterans' business council shall issue the taxpayer a certificate of tax credit.

3. Beginning January 1, 2002, tax credits shall be allowed pursuant to this section in an amount not to exceed two million dollars per year. Tax credit applications shall be considered in the order in which they are received.

4. The Missouri veterans' business council may promulgate such rules or regulations or issue administrative guidelines as are necessary to administer this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

620.1725. There is hereby created in the state treasury the "Missouri Veterans' Business Council Fund", which shall be administered by the Missouri veterans' business council created pursuant to sections 620.1700 to 620.1725. The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium."; and

Further amend said bill, Page 90, Section 620.017, Line 14, by inserting immediately after said line the following:

"**620.050. As used in sections 620.050 to 620.060, unless the context clearly requires otherwise, the following terms shall mean:**

(1) "Affected small businesses" or "affects small business", any potential or actual requirement imposed upon a small business through an agency's proposed or adopted rule that will cause a direct and significant economic impact upon a small business, or is directly related to the formation, operation, or expansion of a small business;

(2) "Agency", each state board, commission, department, or officer authorized by law to make rules, except those in the legislative or judicial branches;

(3) "Board", the small business regulatory review board; and

(4) "Small business", a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.

620.052. 1. Prior to submitting proposed rules for adoption, amendment, or repeal pursuant to chapter 536, RSMo, the agency shall determine whether the proposed rules affect small business, and if so, the availability and practicability of less restrictive alternatives that could be implemented. This section shall not apply to emergency rulemaking as set forth in section 536.025, RSMo. This section shall be in addition to the fiscal note requirement of sections 536.200 to 536.210, RSMo.

2. If the proposed rules affect small business, the agency shall consider creative, innovative, or flexible methods of compliance for small businesses and prepare a small business impact statement to be submitted with

the proposed rules. The statement may provide a reasonable determination of the following:

(1) The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules;

(2) Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected;

(3) In dollar amounts, the increase in the level of direct costs such as fees or administrative penalties, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance;

(4) The probable monetary costs and benefits to the implementing agency and other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used;

(5) The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating techniques;

(6) How the agency involved small business in the development of the proposed rules;

(7) Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard;

(8) Whether other states or entities have similar rules, and if determinable, what alternatives were implemented, along with associated costs.

3. Any small business may offer to the agency alternatives to the proposed rule to reduce the impact of the proposed rule upon small business.

4. This section shall not apply to proposed rules adopted by an agency to implement a statute that does not require an agency to interpret or describe the requirements of the statute such as federally mandated regulations which affords the agency no discretion to consider less restrictive alternatives, nor shall this section apply to any agency that considers the same or similar impact as contained in this section, provided that such agency publish the same or similar statement as part of its rulemaking process.

620.054. 1. There shall be established within the department of economic development a small business regulatory review board to consider any request from small business owners for review of any rule adopted by a state agency and to make recommendations to the agency or the general assembly regarding the need for a rule change or legislation. The establishment of the small business regulatory review board shall be a type I agency as defined in appendix B, RSMo.

2. The small business regulatory review board shall consist of five members, who shall be appointed or serve by designation as follows:

(1) Three members to be appointed by the governor;

(2) One member to be appointed by the speaker of the house of representatives; and

(3) One member to be appointed by the president pro tempore of the senate.

The lieutenant governor shall be an ex officio nonvoting member of the board. All nonlegislative appointments made pursuant to this subsection shall be made from a list of nominees, submitted to each appointing authority, by any nonprofit organization formed under the laws of this state the principal purpose of which is to function as a business membership service organization.

3. The appointments shall reflect representation of a variety of small businesses in the state, provided that no more than two members shall be representatives from the same type of small business.

4. All nonlegislative members of the small business regulatory review board shall be either a current or former owner or officer of a small business and shall not be an officer or employee of the federal, state, or county government. The governor shall appoint the initial chairperson of the board and a majority of the board shall elect subsequent chairpersons. The chairperson shall serve a term of not more than one year, unless removed earlier by a two-thirds vote of all members of the board.

5. A majority of all the members of the board shall constitute a quorum to do business and the concurrence of a majority of all the members of the board present and voting shall be necessary to make any action of the board valid.

620.056. 1. In addition to the basis for filing a petition provided in section 536.041, RSMo, any affected small business may file a written petition with the agency that has adopted rules objecting to all or part of any rule affecting small business on any of the following grounds:

(1) The actual effect on small business was not reflected in, or significantly exceeded, the small business impact statement submitted prior to the adoption of the rules;

(2) The small business impact statement did not consider new or significant economic information that reveals an undue impact on small business;

(3) The rules create an undue barrier to the formation, operation, and expansion of small businesses in a manner that significantly outweighs its benefit to the public;

(4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or

(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.

2. Upon submission of the petition, the agency shall forward a copy of the petition to the small business regulatory review board and the joint committee on administrative rules, as required by section 536.041, RSMo, as notification of a petition filed pursuant to the provisions of sections 620.050 to 620.060. The agency shall promptly consider the petition and may seek advice and counsel regarding the petition. Within sixty days after the submission of the petition, the agency shall determine whether the impact statement or the public hearing addressed the actual and significant impact on small business. The agency shall submit a written response of the agency's determination to the small business regulatory review board within sixty days after receipt of the petition. If the agency determines that the petition merits the adoption, amendment, or repeal of a rule, it may initiate proceedings in accordance with the applicable requirements of chapter 536, RSMo.

3. If the agency determines that the petition does not merit the adoption, amendment, or repeal of any rule, any affected small business may seek a review of the decision by the small business regulatory review board. The board may convene a meeting for the purpose of soliciting testimony that will assist in its determination whether to recommend that the agency initiate proceedings in accordance with chapter 536, RSMo. The board shall not consider a successive petition on the same rule for a period of one year. For rules adopted after August 28, 2000, the board may base its recommendation on any of the following reasons:

(1) The actual effect on small business was not reflected in, or significantly exceeded, the impact statement submitted prior to the adoption of the rules;

(2) The impact statement did not take into account new or significant economic information that reveals an undue impact on small business;

(3) The rules created an undue barrier to the formation, operation, and expansion of small businesses in the state in a manner that significantly outweighs its benefit to the public;

(4) The rules duplicate, overlap, or conflict with rules adopted by another agency or violate the substantive authority under which the rules were adopted; or

(5) The technology, economic conditions, or other relevant factors justifying the purpose for the rules have changed or no longer exist.

4. If the small business regulatory review board recommends that an agency initiate rulemaking proceedings for any reason provided in subsection 2 or 3 of this section, it shall submit to the general assembly an evaluation report and the agency's response as provided in this section. The general assembly may subsequently take such action in response to the evaluation report and the agency's response as it finds appropriate.

620.058. 1. Each agency having rules that affect small business in effect on August 28, 2000, shall submit by June thirtieth of each odd-numbered year, a list of those rules to the small business regulatory review board.

2. The small business regulatory review board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules, or exceed statutory authority. The board may request a response from the agency regarding any specific rule so submitted. Within forty-five days after being notified by the board of any specific rule at issue, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need for the rules and the degree to which technology, economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.

3. The board may solicit testimony from the public and any agency regarding any report submitted by the agency under this section at a public meeting. Upon consideration of any report submitted by an agency under this section and any public testimony, the small business regulatory review board shall submit an evaluation report to each regular session of the general assembly in even-numbered years. The evaluation report shall

include an assessment as to whether the public interest significantly outweighs a rule's effect on small business and any legislative proposal to eliminate or reduce the effect on small business. The evaluation report may include assessments of the regulatory agencies, and make such recommendations regarding small business regulatory fairness. The general assembly may take such action in response to the report as it finds appropriate.

620.060. 1. Except where a penalty is assessed pursuant to a program approved, authorized, or delegated under a federal law, any agency authorized to assess administrative penalties as allowed by federal or state law upon a small business shall waive or reduce any penalty for a violation of any statute or rules by a small business under the following conditions:

(1) The small business corrects the violation within a minimum of thirty days after receipt of a notice of violation or citation; and

(2) The violation was unintentional or the result of excusable neglect.

2. Subsection 1 of this section shall not apply when:

(1) A small business fails to exercise good faith in complying with the statute or rules;

(2) A violation is knowing or involves criminal conduct; or

(3) A violation results in serious health, safety, or environmental impact."; and

Further amend said bill, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"99.820. 1. A municipality may:

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

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

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

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

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

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

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

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

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

(10) Incur redevelopment costs and issue obligations;

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

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

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

district receives from real property in the redevelopment area;

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

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

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

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

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

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

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

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

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

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

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

(7) At the option of the members appointed by the municipality, the members who are appointed by the school boards and other taxing districts may serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission, or for a definite term pursuant to this subdivision. If the members representing school districts and other taxing districts are appointed for a term coinciding with the length of time a redevelopment project, plan or area is approved, such term shall terminate upon final approval of the project, plan or designation of the area by the governing

body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments**;**

(8) No ordinance adopting a redevelopment plan, project or area, or amendment thereto shall be valid unless first referred to the commission as provided in this section. School districts and other taxing entities entitled to participate on the commission shall have standing to challenge the failure to comply with the provisions of sections 99.800 to 99.865 or any unlawful expenditure of public funds approved pursuant to ordinance, and the provisions of this subdivision shall be considered remedial and applicable to legal actions commenced before or after August 28, 2000. After August 28, 2000, any such action must be brought within ninety days following the adoption of the ordinance adopting a redevelopment plan, project or area, or amendment thereto.

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

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 3, Section A, Line 7, by inserting after all of said line the following:

“26.620. 1. There is established within the office of the lieutenant governor a small business advocate. Unless otherwise specifically provided by law, and upon written request by a small business, the small business advocate will serve as a point of contact for the state's small business owners. The advocate will act on behalf of small business owners who have questions or problems involving state government. The small business advocate may also engage in the following activities:

(1) Facilitate and coordinate with federal, state, and county agencies and officials on any matter relating to and promoting the interests of small business;

(2) Conduct investigations to secure information useful in the promulgation of administrative rules and laws favorable to the interests of small businesses;

(3) Refer any appropriate matter to the state auditor for examination or investigation;

(4) Do any and all things necessary to effectuate the purposes of this section; and

(5) Facilitate meetings involving legislative matters which are of interest to small business.

2. The small business advocate shall submit an annual report to the general assembly detailing their activities no later than twenty days prior to convening of the regular session.

3. As used in this section, “small business” means a for-profit enterprise consisting of fewer than one hundred full-time or part-time employees.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 41, Section 135.406, Lines 19-20 of said page, by striking "**at least**" and inserting in lieu thereof the following: "**no more than**"; and

Further amend said bill and section, Page 42, Line 2 of said page, by inserting immediately after the word "**development**" the following:

"**; but in the event this one-million-dollar set aside is not used in its entirety by September 1 of any year, the balance of the credit may be used by other entities qualifying for tax credits under the capital tax credit program as defined in sections 135.400 to 135.430**".

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section B, Line 1, by inserting before said line the following:

"**Section 1. 1. The Missouri housing development commission shall establish a pilot program, in conjunction with the governing body of any city not within a county, to renovate abandoned houses within any city not within a county, for sale to individuals with incomes at or below three hundred percent of the federal poverty level. The price of the renovated housing sale shall not exceed the costs incurred for the renovation. The buyer of any renovated home may use any available financing mechanism to make the purchase, including any state or federal assistance program.**

2. The Missouri housing development commission is authorized to issue bonds, notes or other obligations not to exceed ten million dollars to fund the renovation of abandoned housing. Any city not within a county is authorized to issue bonds, notes or other obligations in an amount not to exceed ten million dollars to fund the renovation of abandoned housing, as described in this section.

3. Bonds authorized by this section shall be issued pursuant to a resolution adopted by the Missouri housing development commission and the governing body of a city not within a county. Bonds or notes issued pursuant to this section shall set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

4. Such bonds or notes shall bear interest at a rate set by the Missouri housing development commission and the governing body of any city not within a county which is establishing such pilot program as described in this section, and shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

5. Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes.

6. Bonds or notes issued by the Missouri housing development commission or the governing body of a city not within a county shall be payable as to principal, interest and redemption premium, if any, out of the revenues from the sale of the renovated abandoned houses. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the Missouri housing development commission or the governing body of a city not within a county within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the Missouri housing development commission or the governing body of a city not within a county shall not be obligated to pay such bond or interest on such bond except from the revenues received from the sale of the renovated abandoned houses, and that neither the full faith or credit or taxing power of this state or of any political subdivision of this

state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions the Missouri housing development commission and the governing body of a city not within a county may provide in their resolutions authoring the issuance of such bonds.

7. Any city not within a county shall use all funds received from the issuance of such bonds to fund the housing renovation program pursuant to this section.

8. A commission is hereby established to administer the programs created by this section. This commission shall be composed of five members, two appointed by the Missouri housing development commission, two appointed by the mayor of any city not within a county which is establishing such pilot program as described in this section, and one member to be the mayor of said city, or the mayor's delegate.

9. A jobs training program is hereby established, to be funded by the five dollar court filing fee established by this section, to create employment opportunities for persons living in any city not within a county which established such pilot program as described in this section. The commission established by this section shall be authorized to seek federal and private funding sources to support this program."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 14, Section 67.1401, Line 21, by inserting after all of said line the following:

"**67.1442. Upon the written request of any real property owner within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, the governing body of the municipality may hold a public hearing for the removal of real property from such district or moved from one zone designation of the district to another zone designation of the district and such real property may be removed from such district or moved from one zone designation of a district to another zone designation of the same district, provided that:**

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

(2) The district can meet its obligations without the revenues generated by or on the real property proposed to be removed from the district or moved from one zone designation of the district to another zone designation of the same district; and

(3) The public hearing is conducted in the same manner as required by section 67.1431 with notice of the hearing given in the same manner as required by section 67.1431 and such notice shall include:

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

(b) The name of the district;

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

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

Further amend the title and enacting clause accordingly.

Senate Amendment No. 20

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 66, Section 260.285, Line 3, by inserting immediately after said line the following:

"**334.108. 1. As used in this section, a "covenant not to compete" means an agreement or part of a contract of employment in which the covenantee agrees for a specific period of time and within a particular area to refrain from competition with the covenantor.**

2. A covenant not to compete is not enforceable if it is ancillary to or part of an otherwise enforceable

agreement with a not-for-profit hospital organized under chapter 81, 82, 96, 205, 206 or 355, RSMo.

3. Except as provided in subsection 2 of this section, a covenant not to compete is enforceable against a person licensed as a physician by the Missouri state board of registration for the healing arts pursuant to this chapter if it is ancillary to or part of an otherwise enforceable agreement with a health carrier as defined in section 376.1350, RSMo, at the time the agreement is made to the extent that it contains limitations as to time, geographical area, and scope of activity to be restrained that are reasonable and do not impose a greater restraint than is necessary to protect the goodwill or other business interest of the physician.

4. A covenant entered into pursuant to this section shall:

(1) Not deny the physician access to a list of his patients whom he had seen or treated within one year of termination of the contract or employment;

(2) Provide access to medical records of the physician's patients upon authorization of the patient and any copies of medical records for a reasonable fee pursuant to section 191.227, RSMo;

(3) Provide that any access to a list of patients or to patients' medical records after termination of the contract or employment shall be provided in the format that such records are maintained except by mutual consent of the parties to the contract;

(4) Provide for a buy out of the covenant by the physician at a reasonable price or, at the option of either party, as determined by a mutually agreed upon arbitrator whose decision shall be binding on the parties or, in the case of an inability to agree, an arbitrator of the court whose decision shall be binding on the parties; and

(5) Permit the physician to provide continuing care and treatment to a specific patient or patients during the course of an acute illness even after the contract or employment has been terminated.

5. This section applies to a covenant entered into on or after August 28, 2000."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 21

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 24, Section 67.1545, Line 18, by adding after all of said line the following:

"71.014. Notwithstanding the provisions of section 71.015, the governing body of any city, town, or village which is located within a county which borders a county of the first classification with a charter form of government with a population in excess of [nine hundred thousand,] **six hundred fifty thousand,** proceeding as otherwise authorized by law or charter, may annex unincorporated areas which are contiguous and compact to the existing corporate limits upon verified petition requesting such annexation signed by the owners of all fee interest of record in all tracts located within the area to be annexed."; and

Further amend the title and enacting clause and intersectional references accordingly.

Senate Amendment No. 22

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

"**Section 1. Any person acting in the course of general duties shall not be held personally liable regardless of the date of the act. This section shall not apply to any intentional criminal act.**"

Further amend the title and enacting clause accordingly.

Senate Amendment No. 23

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"**82.1050. 1. Beginning January 1, 2001, any landlord who leases real property located in any city with a population of more than four hundred thousand inhabitants shall submit a registration form to the governing body of such city pursuant to this section.**

2. The registration form shall be developed by the governing body of such city and shall contain:

(1) The name, personal address, business address and telephone numbers of the landlord;

(2) The address of each property located in the city that is owned and leased by the landlord;

(3) The name, address and phone number of a person who will serve as a legal representative of the landlord for purposes of receiving public safety violations, code violations or other violations of any kind involving the property listed pursuant to subdivision (2) of this subsection. In the event no legal representative is named pursuant to this subdivision, the landlord shall serve as his or her own legal representative for purposes of this subdivision; and

(4) Any other information that the governing body of such city deems necessary to enhance compliance with city public safety and code regulations.

3. The city shall compile the registration forms submitted pursuant to this section for the purposes of ensuring greater efficiency in compliance with, and enforcement of, local public safety and code regulations. On or before July 1, 2002, and on or before every July first thereafter, the city shall issue a report to the governor, the speaker of the house of representatives and the president pro tempore of the senate as to the effectiveness of the compilation of the forms in ensuring greater efficiency in compliance with, and enforcement of, public safety and code regulations.

4. This section shall be of no force and effect on or after January 1, 2006.

5. This section shall apply only to individuals and entities that own five or more pieces of rental property; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 24

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 57, Section 135.535, Line 4, by inserting immediately after all of said line the following:

"148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, [under] **pursuant to** any law of this state. **For any tax year beginning on or after January 1, 2002, any deduction for examination fees paid during tax year 2002 or thereafter which exceeds premium taxes payable for that tax year shall not be refunded, but may be carried forward to subsequent tax years until exhausted.**"; and

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

Senate Amendment No. 27

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 57, Section 135.535, Line 16 of said page, by inserting after all of said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to [the authority granted by the provisions of this act] **sections 144.757 to 144.761** shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state

general, primary or special election prior to August 7, 1996, or after December 31, 1996, a proposal to authorize the governing body of the county or municipality to impose a local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. Municipalities within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

G YES G 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".

(2) (a) The ballot of submission in a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

[Shall the county governing body be authorized to impose a local use tax which is equal to the total of the existing county sales tax of one percent and the existing county transportation sales taxes of three-quarters of one percent, provided that if any county sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.] **For the purposes of preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Trust Program; and for the purposes of enhancing local government services; shall the county governing body be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate) provided that if the county sales tax is repealed, reduced or raised by the voter approval, the local use tax rate shall also be repealed, reduced or raised by the same action? The Community Comeback Program shall be required to submit to the public a comprehensive financial report detailing the management and use of funds each year. A use tax is the equivalent of a sales tax on purchases from out-of-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**

G YES G 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".

(b) The ballot of submission in a municipality within a county of the first classification having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.

G YES G 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".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from

out of state vendors do not in total exceed two thousand dollars in any calendar year.

G YES G 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".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [under the provisions of this act] **pursuant to sections 144.757 to 144.761** and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed [under] **pursuant to** sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761 and sections 67.478 to 67.493, RSMo, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intra business transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue [under this act] **pursuant to sections 144.757 to 144.761** on behalf of any county or 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 with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by [this act] **sections 144.757 to 144.761**, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county of the first classification having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals **one-half** the rate of sales tax [levied pursuant to section 94.660, RSMo,] **in effect for such county** shall be disbursed to the [bi-state agency authorized pursuant to sections 70.370 to 70.441, RSMo, to be used only to provide the local share of construction costs for additional light rail lines] **county community comeback trust fund authorized pursuant to sections 67.478 to 67.493, RSMo**. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per

capita countywide average of all sales tax receipts during the preceding calendar year.

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

4. Except as modified in [this act] **sections 144.757 to 144.761**, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed [under this act] **pursuant to sections 144.757 to 144.761**, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

144.761. 1. No county or municipality imposing a local use tax pursuant to [this act] **sections 144.757 to 144.761** may repeal or amend such local use tax unless such repeal or amendment is submitted to and approved by the voters of the county or municipality in the manner provided in section 144.757; provided, however, that the repeal of the local sales tax within the county or municipality shall be deemed to repeal the local use tax imposed [under this act] **pursuant to sections 144.757 to 144.761**.

2. Whenever the governing body of any county or municipality in which a local use tax has been imposed in the manner provided by [this act] **sections 144.757 to 144.761** receives a petition, signed by fifteen percent of the registered voters of such county or municipality voting in the last gubernatorial election, calling for an election to repeal such local use tax, the governing body shall submit to the voters of such county or municipality a proposal to repeal the county or municipality use tax imposed [under the provisions of this act] **pursuant to sections 144.757 to 144.761**. If a majority of the votes cast on the proposal by the registered voters voting thereon are in favor of the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the registered voters voting thereon are opposed to the proposal to repeal the local use tax, then the ordinance or order imposing the local use tax, along with any amendments thereto, shall remain in effect."; and

Further amend said bill, Page 75, Section 348.432, Line 15 of said page, by inserting after all of said line the following:

"353.020. The following terms, whenever used or referred to in this chapter, mean:

(1) "Area", that portion of the city which the legislative authority of such city has found or shall find to be blighted so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of this law. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part;

(2) "Blighted area", that portion of the city within which the legislative authority of such city determines that by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes;

(3) "City" or "such cities", any city within this state **and any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants; provided that, such a county may exercise the authority granted by this chapter only within the unincorporated area of the county**;

(4) "Development plan", a plan, together with any amendments thereto, for the development of all or any part of a blighted area, which is authorized by the legislative authority of any such city;

(5) "Legislative authority", the city council or board of aldermen of the cities affected by this chapter;

(6) "Mortgage", a mortgage, trust indenture, deed of trust, building and loan contract, or other instrument creating a lien on real property, to secure the payment of an indebtedness, and the indebtedness secured by any of them;

(7) "Real property" includes lands, buildings, improvements, land under water, waterfront property, and any and

all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein, or appurtenant thereto, legal or equitable, including restrictions of record, created by plat, covenant, or otherwise, rights-of-way, and terms for years;

(8) "Redevelopment", the clearance, replanning, reconstruction or rehabilitation of any blighted area, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto;

(9) "Redevelopment project", a specific work or improvement to effectuate all or any part of a development plan;

(10) "Urban redevelopment corporation", a corporation organized [under the provisions of] **pursuant to** this chapter; except that any life insurance company organized [under] **pursuant to** the laws of, or admitted to do business in, the state of Missouri may from time to time within five years after April 23, 1946, undertake, alone or in conjunction with, or as a lessee of any such life insurance company or urban redevelopment corporation, a redevelopment project [under] **pursuant to** this chapter, and shall, in its operations with respect to any such redevelopment project, but not otherwise, be deemed to be an urban redevelopment corporation for the purposes of this section and sections 353.010, 353.040, 353.060 and 353.110 to 353.160."; and

Further amend said bill, Page 106, Section C, Line 12 of said page, by inserting after the word "**sections**" the following:

"67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 13 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend line 14 of said page, by inserting after the numeral "348.302," the numeral "353.020,"; and further amend line 18 of said page, by inserting after the word "sections" the following: "67.478, 67.481, 67.484, 67.487, 67.490, 67.493,"; and further amend line 19 of said page, by inserting after the numeral "135.535," the following: "144.757, 144.759, 144.761,"; and further amend said line, by inserting after the numeral "348.302," the numeral "353.020,"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 28

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line:

"Section 7. In the event that any person, or entity, which has entered into a contract with the state or any political subdivision has been found, or has admitted to be, in violation of any state statute or regulation which relates to the performance of its contract, then that person or entity will be prohibited for three years from entering into any contracts with the state or any political subdivision."; and

Further amend the title and enacting clauses accordingly.

Senate Amendment No. 29

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 11, Section 32.110, Line 5, by inserting immediately after said line the following:

"67.582. 1. The governing body of any county, except a county of the first class with a charter form of government with a population of greater than four hundred 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 county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing law enforcement services for such county. 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 county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section the ballot

shall contain substantially the following:

Shall the county of ..... (county's name) impose a countywide sales tax of ..... (insert amount) for the purpose of providing law enforcement services for the county?

G Yes G 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 enter into agreements to form a regional jail district and obligates the county to make payments from the tax authorized by this section the ballot shall contain substantially the following:

Shall the county of ..... (county's name) be authorized to enter into agreements for the purpose of forming a regional jail district and obligating the county to impose a countywide sales tax of ..... (insert amount) to fund ..... dollars of the costs to construct a regional jail and to fund the costs to operate a regional jail, with any funds in excess of that necessary to construct and operate such jail to be used for law enforcement purposes?

G Yes G 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 subdivision (1) of 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 the constitutionally required percentage of the voters voting thereon are in favor of the proposal submitted pursuant to subdivision (2) of 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 county shall have no power to impose the sales tax herein authorized unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to 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 county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing law enforcement services for such county for so long as the tax shall remain in effect. **Revenue placed in the special trust fund may also be utilized for capital improvement projects for law enforcement facilities and for the payment of any interest and principal on bonds issued for said capital improvement projects.**

4. 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 providing law enforcement services for the county. 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 county funds.

5. All sales taxes collected by the director of revenue under this section on behalf of any county, 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, to be known as the "County Law Enforcement Sales Tax Trust Fund". The moneys in the county law enforcement sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county which levied the tax; such funds shall be deposited with the county treasurer of each such county, and all expenditures of funds arising from the county law enforcement sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county. Expenditures may be made from the fund for any law enforcement functions authorized in the ordinance or order adopted by the governing body submitting the law enforcement tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. If any county abolishes the tax, the county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice

to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county, the director of revenue shall remit the balance in the account to the county and close the account of that county. The director of revenue shall notify each county of each instance of any amount refunded or any check redeemed from receipts due the county.

7. 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.

67.700. 1. Any county, as defined in section 67.724, may, by ordinance or order, impose a sales tax on all retail sales made in such county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for any capital improvement purpose designated by the county in its ballot of submission to its voters; provided, however, that no ordinance or order enacted pursuant to the authority granted by sections 67.700 to 67.727 shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary, or special election, a proposal to authorize the governing body of the county to impose a tax under the provisions of sections 67.700 to 67.727. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law.

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

Shall the county of ..... (county's name) impose a countywide sales tax at the rate of ..... (insert amount) for a period of ..... (insert number) years from the date on which such tax is first imposed for the purpose of ..... (insert capital improvement purpose)?

G YES G NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the sales tax authorized by sections 67.700 to 67.727 unless and until the governing body of the county shall again have submitted another proposal to authorize it to impose the sales tax under the provisions of sections 67.700 to 67.727 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a county from the tax authorized by sections 67.700 to 67.727 which has been designated for a certain capital improvement purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the voters under subsection 2 of this section or if the tax authorized by sections 67.700 to 67.727 is repealed under section 67.721, all funds remaining in the special trust fund shall continue to be used solely for such designated capital improvement purpose**, including the payment of principle and interest on any bonds issued to pay for such capital improvement**. 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 county funds.

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

5. In addition to the rates provided in subsection 4 of this section, any county of the first class without a charter form of government which adjoins a county of the first class containing part of a city containing more than three hundred fifty thousand inhabitants and which also adjoins a county of the third class having a township form of government shall also be authorized to (1) levy such sales tax at a rate of one-eighth of one percent; or (2) levy such sales tax at a rate of one-fourth of one percent in conjunction with a reduction in its property tax levy or levies for general revenues or for funding the maintenance of roads and bridges, or both, for each year in which the sales tax is imposed. Such reduction shall be in an amount sufficient to decrease the property taxes it will collect by not less than fifty percent of the sales tax revenue collected in the tax year for which the property taxes are being levied. If in the immediately preceding year a county actually collected less sales tax revenue than was projected for purposes of reducing its property tax levy or levies, the county shall adjust its property tax levy or levies for the current year to reflect such decrease. Any such county seeking voter approval of the sales tax alternative authorized in this subsection shall include in the ballot of submission authorized in subsection 2 of this section language clearly stating the appropriate percentage of the sales tax revenue shall be used for property tax reduction as provided herein. For purposes of this subsection, the term "sales tax revenue collected" shall have the meaning provided in section 67.500."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 30

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 11, Section 32.110, Line 5 of said page, by inserting at the end of said line the following:

"32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

(1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;

(2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030, RSMo;

(3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;

(4) The tax on other financial institutions in chapter 148, RSMo;

(5) The corporation franchise tax in chapter 147, RSMo;

(6) The state income tax in chapter 143, RSMo; [and]

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo**; and**

(8) The tax on net deposits, net premiums or net assets of insurance carriers as determined in section 287.690, RSMo.

2. For proposals approved pursuant to section 32.100:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by

section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education , job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530, RSMo, by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupants shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with provisions of sections 32.100 to 21.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 21.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.

6. The provisions of subdivision (8) of subsection 1 of this section shall apply to all tax years beginning on or after January 1, 2000.".

Senate Amendment No. 31

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 75, Section 348.432, Line 14, by inserting after all of said line the following:

"393.705. As used in sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, the following terms shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Bond" or "bonds", any bonds, interim certificates, notes, debentures or other obligations of a commission issued pursuant to sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(2) "Commission", any joint municipal utility commission established by a joint contract under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295;

(3) "Contracting municipality", each municipality which is a party to a joint contract establishing a commission under sections 393.700 to 393.770 and sections 386.025, RSMo, and 393.295, a water supply district formed under the provisions of chapter 247, RSMo, or a sewer district formed pursuant to the provisions of chapter 204, RSMo, or chapter 249, RSMo;

(4) "Joint contract", the contract entered into among or by and between two or more [contracting municipalities, between municipalities and public water supply districts, or between municipalities and sewer districts] **of the following contracting entities** for the purpose of establishing a commission**:**

(a) Municipalities;

(b) Public water supply districts;

(c) Sewer districts;

(d) Nonprofit water companies; or

(e) Nonprofit sewer companies;

(5) "Person", a natural person, cooperative or private corporation, association, firm, partnership, or business trust of any nature whatsoever, organized and existing under the laws of any state or of the United States and any municipality or other municipal corporation, governmental unit, or public corporation created under the laws of this state or the United States, and any person, board, or other body declared by the laws of any state or the United States to be a department, agency or instrumentality thereof;

(6) "Project", the purchasing, construction, extending or improving of any revenue-producing water, sewage, gas or electric light works, heating or power plants, including all real and personal property of any nature whatsoever to be used in connection therewith, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, distribution excluding retail sales, purchase, sale, exchange, transport and treatment of sewage or interchange of water, sewage, electric power and energy, or any interest therein or right to capacity thereof and the acquisition of fuel of any kind for any such purposes.

393.715. 1. The general powers of a commission to the extent provided in section 393.710 herein and subject to the provisions of section 393.765 herein shall include the power to:

(1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend or improve one or more projects, either exclusively or jointly or by participation with electric cooperative associations, municipally owned or public utilities or acquire any interest in or any rights to capacity of a project, within or outside the state, and act as an agent, or designate one or more other persons participating in a project to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension or improvement of such project;

(2) Acquire, sell, distribute and process fuels necessary to the production of electric power and energy; provided, however, the commission shall not have the power or authority to erect, own, use or maintain a transmission line which is parallel or generally parallel to another transmission line in place within a distance of two miles, which serves the same general area sought to be served by the commission unless the public service commission finds that it is not feasible to utilize the transmission line which is in place;

(3) Acquire by purchase or lease, construct, install, and operate reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization; provided, however, that a commission shall not sell or distribute water, at retail or wholesale, within the certificated area of a water corporation which is subject to the jurisdiction of the public service commission unless the sale or distribution of water is within the boundaries of a public water supply district or municipality which is a contracting municipality in the commission and the commission has obtained the approval of the public service commission prior to commencing

such said sale or distribution of water;

(4) Acquire by purchase or lease, construct, install, and operate lagoons, pipelines, wells, pumping stations, sewage treatment plants and other facilities for the treatment and transportation of sewage and to own and hold such real and personal property as may be necessary to carry out the purposes of its organization;

(5) Enter into operating, franchises, exchange, interchange, pooling, wheeling, transmission and other similar agreements with any person;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the commission;

(7) Employ agents and employees;

(8) Contract with any person, within or outside the state, for the construction of any project or for any interest therein or any right to capacity thereof, without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment of bonds, except to the extent and on such terms as its board of directors shall determine. Any contract entered into pursuant to this subdivision shall contain a provision that the requirements of sections 290.210 to 290.340, RSMo, shall apply;

(9) Purchase, sell, exchange, transmit, treat, dispose or distribute water, sewage, gas, heat or electric power and energy, or any by-product resulting therefrom, within and outside the state, in such amounts as it shall determine to be necessary and appropriate to make the most effective use of its powers and to meet its responsibilities, and to enter into agreements with any person with respect to such purchase, sale, exchange, treatment, disposal or transmission, on such terms and for such period of time as its board of directors shall determine. A commission may not sell or distribute water, gas, heat or power and energy, or sell sewage service at retail to ultimate customers outside the boundary limits of its contracting municipalities except pursuant to subsection 2 **or 3** of this section;

(10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property, commodity or service or interest therein;

(11) Exercise the powers of eminent domain for public use as provided in chapter 523, RSMo, except that the power of eminent domain shall not be exercised against any electric cooperative association, municipally owned or public utility;

(12) Incur debts, liabilities or obligations including the issuance of bonds pursuant to the authority granted in section 27 of article VI of the Missouri Constitution;

(13) Sue and be sued in its own name;

(14) Have and use a corporate seal;

(15) Fix, maintain and revise fees, rates, rents and charges for functions, services, facilities or commodities provided by the commission;

(16) Make, and from time to time, amend and repeal, bylaws, rules and regulations not inconsistent with this section to carry into effect the powers and purposes of the commission;

(17) Notwithstanding the provisions of any other law, invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities and other investments as the commission deems proper;

(18) Join organizations, membership in which is deemed by the board of directors to be beneficial to accomplishment of the commission's purposes;

(19) Exercise any other powers which are deemed necessary and convenient by the commission to effectuate the purposes of the commission; and

(20) Do and perform any acts and things authorized by this section under, through or by means of an agent or by contracts with any person.

2. When a municipality purchases a privately owned water utility and a commission is created pursuant to sections 393.700 to 393.770, the commission may continue to serve those locations previously receiving water from the private utility even though the location receives such service outside the geographical area of the municipalities forming the commission. New water service may be provided in such areas if the site to receive such service is located within one-fourth of a mile from a site serviced by the privately owned water utility.

3. When a commission created by any of the contracting entities listed in subdivision (4) of section 393.705 becomes a successor to any nonprofit water corporation, nonprofit sewer corporation or other nonprofit agency or entity organized to provide water or sewer service, the commission may continue to serve those locations and areas previously receiving water or sewer service from such nonprofit entity, regardless of whether or not such location receives such service outside the geographical service area of the contracting entities forming such commission; and provided further that such locations and areas previously receiving service from such nonprofit

entity are not located within:

(a) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(b) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission. New water or sewer service may be provided by the commission in all areas previously serviced by the nonprofit entity."; and

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

Senate Amendment No. 32

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 64, Section 205.577, Line 17, by inserting after all of said line the following:

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

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including a city or part thereof through the proposed annexation. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as for the filing of the original petition for incorporation; except that publication of notice shall not be required if a majority of the landowners in the territory proposed to be annexed consent in writing, and if notice of the hearing is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing. If publication of the notice is not required pursuant to this section, the court shall only approve the proposed annexation if there is sworn testimony by at least five landowners in the area of the proposed annexation, or a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from the one entity and annexed to the other. After the annexation is approved, the circuit court in which each district involved in the proceedings was incorporated shall amend the decree of incorporation for each district to reflect the change in the boundaries as a result of the annexation and to redivide each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately the same area. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county clerk in each county having territory in the district and in the office of the secretary of state of the state of Missouri.

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

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

(2) A majority of the landowners within the territory proposed to be annexed to the district.

If the petition is filed by a majority of the landowners within the territory proposed to be annexed, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be annexed at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory proposed to be annexed, or a majority of the landowners if the total landowners in the area are fewer than ten. Upon the entry of a final order declaring the court's decree of annexation to be final and conclusive, the court shall

modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors of the district.

4. Should any voter who owns real estate that abuts upon a district once formed desire to have such real estate incorporated in the district, the voter shall first petition the board of directors thereof for its approval. If such approval be granted, the clerk of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

5. In the event that the district becomes the successor, upon dissolution, to any joint municipal utility commission established by the district and any of the contracting entities described in subdivision (4) of section 393.705, RSMo, then, upon the petition of the board of directors to the circuit court, the court shall amend the boundaries of such district to incorporate any area previously served by the dissolved joint municipal utility commission that the district intends to continue to serve with water or sewer service. The court shall also modify or rearrange the boundary lines of the subdistricts as may be necessary or advisable.

247.050. The following powers are hereby conferred upon public water supply districts organized under the provisions of sections 247.010 to 247.220:

(1) To sue and be sued;

(2) To purchase or otherwise acquire water for the necessities of the district;

(3) To accept by gift any funds or property for the uses and purposes of the district;

(4) To dispose of property belonging to the district, under the conditions expressed in sections 247.010 to 247.220;

(5) To build, acquire by purchase or otherwise, enlarge, improve, extend and maintain a system of waterworks, including fire hydrants;

(6) To contract and be contracted with;

(7) To condemn private property within or without the district, needed for the uses and purposes in sections 247.010 to 247.220 provided for;

(8) To lease, acquire and own any and all property, equipment and supplies needed within or without the district in the successful operation of a waterworks system;

(9) To contract indebtedness and issue general or special obligation bonds, or both, of the district therefor, as herein provided;

(10) To acquire by purchase or otherwise, a system of waterworks, and to build, enlarge, improve, extend and equip such system for the uses and purposes of the district;

(11) To certify to the county commission or county commissions of the county or counties within which such district is situate, the amount or amounts to be provided by the levy of a tax upon all taxable property within the district to create an interest and sinking fund for the payment of general obligation bonds of the district and the interest thereon; and also

(12) To create an incidental fund to take care of all costs and expenses incurred in incorporating the district, and all obligations contracted prior thereto and connected therewith; and

(13) To purchase equipment and supplies needed in the operation of the water system of the district; provided, however, that the power to create an incidental fund by the levy of a general property tax shall cease after two annual levies therefor shall have been made, and such levy shall not exceed fifteen cents per annum on each one hundred dollars assessed valuation of taxable property within the district;

(14) To provide for the collection of taxes and rates or charges for water and water service;

(15) To sell and distribute water to the inhabitants of the district and to consumers outside the district, delivered within or at the boundaries of the district; **provided that, upon dissolution of any joint municipal utility commission established by the district and any municipality, public water supply district, sewer district, nonprofit water company or nonprofit sewer company, the district may continue to serve those locations and areas previously receiving service from the commission, regardless of whether or not such location receives such service outside the boundaries of such district; and provided further that such locations and areas previously receiving service from the commission are not located within:**

(a) Any county of the first classification with a population of more than six hundred thousand and less than nine hundred thousand;

(b) The boundaries of any sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution; or

(c) The certificated area of a water corporation that is subject to the jurisdiction of the public service commission;

(16) To fix rates for the sale of water; and

(17) To make general rules and regulations in relation to the management of the affairs of the district."; and

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

Senate Amendment No. 33

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 27, Section 71.794, Line 6, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment

project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project, before the payments in lieu of taxes of that taxing district may be included in tax increment allocation financing. The taxing district may register its approval by adoption of a resolution.

5. For redevelopment projects proposed on or after July 1, 2001, in any county of the first classification with a charter form of government with a population of at least two hundred twelve thousand but less than two hundred fourteen thousand, prior to a municipality passing an ordinance adopting tax increment allocation financing, approval is required of any taxing district which would be required to make payment of a portion of additional revenue from taxes imposed by that taxing district which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, before the increased economic activity taxes of that taxing district may be included in tax increment allocation financing. The taxing district shall register its approval by adoption of an ordinance.

[4.**]** **6.** Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections [4 to 12] **6 to 14** of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection [8] **10** of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection [10] **12** of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection [10] **12** of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

[5.] **7.** The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

[6.] **8.** No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall

be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

[7.] **9.** In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4 of this section, the municipality shall comply with the requirements of subsection [10] **12** of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

[8.] **10.** For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection [10] **12** of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

[9.] **11.** Subsection [4] **6** of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; or

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand.

[10.] **12.** The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections [4 and 5] **6 and 7** of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of

section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

[11.] **13.** In addition to the areas authorized in subsection [9] **11** of this section, the funding authorized pursuant to subsection [4] **6** of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

[12.] **14.** There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections [4 and 5] **6 and 7** of this section if and only if the conditions of subsection [10] **12** of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

[13.] **15.** All personnel and other costs incurred by the department of economic development for the administration and operation of subsections [4 to 12] **6 to 14** of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection [10] **12** of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 34

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 57, Section 135.535, Line 4, by inserting after all of said line the following:

"**135.760. 1. For all taxable years beginning on or after January 1, 2001, a resident individual who is allowed a federal earned income tax credit pursuant to section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to one-half percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the tax liability, the difference shall be refunded to the taxpayer or carried forward into any subsequent taxable year.**

2. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to subsection 1 of this section may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists.

4. Any tax credit allowed pursuant to this section shall be excluded from the calculation of Missouri adjusted gross income, as defined in section 143.121, RSMo."; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, Page 1-2, In the Title, last line of Page 1, by striking all of said lines and inserting in lieu thereof "**new section relating to the same subject**"; and

Further amend said bill, Page 1, in the Title, Line 3, by striking "**sales tax exemptions**" and inserting in lieu thereof "**taxation**"; and

Further amend said bill, Title, Last Line of Page 1 and first two lines Page 2, by striking "**tax credit programs administered by the department of economic development**" and inserting in lieu thereof the following: "t**axation**".

Senate Amendment No. 36

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the following:

"**Section 1. For any project approved and adopted by a political subdivision located within a city having a population of at least one hundred forty-nine thousand, located in a noncharter county of the first classification with a population of at least two hundred seven thousand, which has complied with subsections 4 to 12 of section 99.845, RSMo, in addition to the payments in subsections 1, 2, 3 and 10 of section 99.845, RSMo, an additional fifty percent of new state revenues may be appropriated by the general assembly in accordance with procedures in subsection 10 of section 99.845, RSMo, provided new sales tax revenues generated by sales inside or on the grounds of, or sales of tickets to any event in, or parking associated with a project defined by section 67.639, RSMo, are used solely for the purpose of development and construction of the project including related public infrastructure and the repayment of any indebtedness or other obligations incurred for the project. The determination of declining population or property taxes required by subdivision (1) of subsection 9 of section 99.845, RSMo, shall be based upon decennial census data.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 39

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 48, Section 135.484, Line 2, by inserting after all of said line the following:

"135.530. For the purposes of sections 100.010, 100.710 and 100.850, RSMo, sections 135.110, 135.200, 135.258, 135.313, 135.403, 135.405, 135.503, 135.530 and 135.545, section 215.030, RSMo, sections 348.300 and 348.302, RSMo, and sections 620.1400 to 620.1460, RSMo, "**distressed community**" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of under seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the last decennial census or a census block group or contiguous group of block groups which has a population of at least two thousand five hundred each block group having a median household income of under seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census. **In addition the definition shall include the area bounded on the North by the Missouri River, on the East by Interstate 435, on the South by 80th Street, and on the West by Troost, in a city with a population of at least four hundred thousand and located in more than one county**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 40

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Pages 60-64, Sections 205.571-205.575, by deleting all of said sections; and

Further amend said bill, page 64, section 205.577, lines 4 and 5 of said page, by deleting the words "**Family and Community Trust**" on said lines and inserting in lieu thereof the words "**Caring Communities-Children's Services Commission Oversight Board**"; and

Further amend said bill, page and section, lines 4-10, by deleting all of said lines after the "**.**" on line 4; and

Further amend said bill, page and section, line 12, by deleting the words "**family and community trust**" and inserting in lieu thereof the words "**caring communities**".

Senate Amendment No. 41

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5 of said page, by inserting immediately after said line the following:

"**Section 1. The state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in any:**

(1) Sports complex located in any county of the first classification with a charter form of government and having a population of more than six hundred thousand but less than nine hundred thousand inhabitants, provided that such complex is under the jurisdiction of any sports complex authority created pursuant to sections 64.920 to 64.950, RSMo, shall, subject to appropriations, be placed in the convention and sports complex fund established pursuant to section 67.639, RSMo; or

(2) Multi-purpose facility located in and owned by any constitutional charter city not within a county for so long as said multi-purpose facility is owned by said constitutional charter city not within a county, shall, subject to appropriation, be placed in a specially designated account established by the collector of revenue of said constitutional charter city not within a county which account shall not, the provisions of section 33.080, RSMo, to the contrary notwithstanding, be transferred and placed to the credit of the general revenue fund at the end of each biennium, for the sole purpose of maintenance and refurbishment of such complex or facility respectively, including the repayment of any indebtedness or other obligations incurred for maintenance and

refurbishment. Such moneys shall, where applicable, be in addition to any amount appropriated pursuant to section 67.641, RSMo, to any convention and sports complex fund created pursuant to section 67.639, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 42

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 106, Section 620.1575, Line 5, by inserting after all of said line the following:

"**Section 1. Regional research consortia within a city which lies partially or wholly within an area designated as a distressed community may apply for grants from the state for the purpose of conducting health research, including research into the prevention and cessation of smoking.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 43

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 27, Section 71.794, Line 6 of said page, by inserting after all of said line the following:

"99.845. 1. A municipality, either at the time a redevelopment project is approved or, in the event a municipality has undertaken acts establishing a redevelopment plan and redevelopment project and has designated a redevelopment area after the passage and approval of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by passing an ordinance providing that after the total equalized assessed valuation of the taxable real property in a redevelopment project exceeds the certified total initial equalized assessed valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and payments in lieu of taxes, if any, arising from the levies upon taxable real property in such redevelopment project by taxing districts and tax rates determined in the manner provided in subsection 2 of section 99.855 each year after the effective date of the ordinance until redevelopment costs have been paid shall be divided as follows:

(1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing;

(2) Payments in lieu of taxes attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment project and any applicable penalty and interest over and above the initial equalized assessed value of each such unit of property in the area selected for the redevelopment project shall be allocated to and, when collected, shall be paid to the municipal treasurer who shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien against the real estate of the redevelopment project from which they are derived and shall be collected in the same manner as the real property tax, including the assessment of penalties and interest where applicable. The municipality may, in the ordinance, pledge the funds in the special allocation fund for the payment of such costs and obligations and provide for the collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner as a special assessment lien as provided in section 88.861, RSMo. No part of the current equalized assessed valuation of each lot, block, tract, or parcel of property in the area selected for the redevelopment project attributable to any increase above the total initial equalized assessed value of such properties shall be used in calculating the general state school aid formula provided for in section 163.031, RSMo, until such time as all redevelopment costs have been paid as provided for in this section and section 99.850;

(3) For purposes of this section, "levies upon taxable real property in such redevelopment project by taxing

districts" shall not include the blind pension fund tax levied under the authority of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers' inventory replacement tax levied under the authority of subsection 2 of section 6 of article X, of the Missouri Constitution, except in redevelopment project areas in which tax increment financing has been adopted by ordinance pursuant to a plan approved by vote of the governing body of the municipality taken after August 13, 1982, and before January 1, 1998.

2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing districts, which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section 94.660, RSMo, for the purpose of public transportation, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund. Any provision of an agreement, contract or covenant entered into prior to July 12, 1990, between a municipality and any other political subdivision which provides for an appropriation of other municipal revenues to the special allocation fund shall be and remain enforceable.

3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection 1 of this section, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from taxes, penalties and interest which are imposed by the municipality or other taxing districts, and which are generated by economic activities within the area of the redevelopment project over the amount of such taxes generated by economic activities within the area of the redevelopment project in the calendar year prior to the adoption of the redevelopment project by ordinance, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant to section 70.500, RSMo, or effective January 1, 1998, taxes levied for the purpose of public transportation pursuant to section 94.660, RSMo, licenses, fees or special assessments other than payments in lieu of taxes and penalties and interest thereon, shall be allocated to, and paid by the local political subdivision collecting officer to the treasurer or other designated financial officer of the municipality, who shall deposit such funds in a separate segregated account within the special allocation fund.

4. Beginning January 1, 1998, for redevelopment plans and projects adopted or redevelopment projects approved by ordinance and which have complied with subsections 4 to 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues, as defined in subsection 8 of this section, estimated for the businesses within the project area and identified by the municipality in the application required by subsection 10 of this section, over and above the amount of such taxes reported by businesses within the project area as identified by the municipality in their application prior to the approval of the redevelopment project by ordinance, while tax increment financing remains in effect, may be available for appropriation by the general assembly as provided in subsection 10 of this section to the department of economic development supplemental tax increment financing fund, from the general revenue fund, for distribution to the treasurer or other designated financial officer of the municipality with approved plans or projects.

5. The treasurer or other designated financial officer of the municipality with approved plans or projects shall deposit such funds in a separate segregated account within the special allocation fund established pursuant to section 99.805.

6. No transfer from the general revenue fund to the Missouri supplemental tax increment financing fund shall be made unless an appropriation is made from the general revenue fund for that purpose. No municipality shall commit any state revenues prior to an appropriation being made for that project. For all redevelopment plans or projects adopted or approved after December 23, 1997, appropriations from the new state revenues shall not be distributed from the Missouri supplemental tax increment financing fund into the special allocation fund unless the municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes and fifty percent of economic activity taxes generated by the project shall be used for eligible redevelopment project costs while tax increment financing remains in effect. This account shall be separate from the account into which payments in lieu of taxes are deposited, and separate from the account into which economic activity taxes are deposited.

7. In order for the redevelopment plan or project to be eligible to receive the revenue described in subsection 4

of this section, the municipality shall comply with the requirements of subsection 10 of this section prior to the time the project or plan is adopted or approved by ordinance. The director of the department of economic development and the commissioner of the office of administration may waive the requirement that the municipality's application be submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or project's approval by ordinance.

8. For purposes of this section, "new state revenues" means:

(1) The incremental increase in the general revenue portion of state sales tax revenues received pursuant to section 144.020, RSMo, excluding sales taxes that are constitutionally dedicated, taxes deposited to the school district trust fund in accordance with section 144.701, RSMo, sales and use taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by law. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221, RSMo, at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, RSMo, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old; and

(1) Suffered from generally declining population or property taxes over the twenty-year period immediately preceding the area's designation as a project area by ordinance; [or]

(2) Was a historic hotel located in a county of the first classification without a charter form of government with a population according to the most recent federal decennial census in excess of one hundred fifty thousand and containing a portion of a city with a population according to the most recent federal decennial census in excess of three hundred fifty thousand**; or**

(3) Contains the site of a county convention and sports facilities authority established pursuant to sections 67.1150 to 67.1158, RSMo.

10. The initial appropriation of up to fifty percent of the new state revenues authorized pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the department of economic development to a municipality until all of the following conditions have been satisfied:

(1) The director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee have approved a tax increment financing application made by the municipality for the appropriation of the new state revenues. The municipality shall include in the application the following items in addition to the items in section 99.810:

(a) The tax increment financing district or redevelopment area, including the businesses identified within the redevelopment area;

(b) The base year of state sales tax revenues or the base year of state income tax withheld on behalf of existing employees, reported by existing businesses within the project area prior to approval of the redevelopment project;

(c) The estimate of the incremental increase in the general revenue portion of state sales tax revenue or the estimate for the state income tax withheld by the employer on behalf of new employees expected to fill new jobs created within the redevelopment area after redevelopment;

(d) The official statement of any bond issue pursuant to this subsection after December 23, 1997;

(e) An affidavit that is signed by the developer or developers attesting that the provisions of subdivision (1) of section 99.810 have been met and specifying that the redevelopment area would not be reasonably anticipated to be developed without the appropriation of the new state revenues;

(f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal impact on the state of Missouri; and

(g) The statement of election between the use of the incremental increase of the general revenue portion of the state sales tax revenues or the state income tax withheld by employers on behalf of new employees who fill new jobs created in the redevelopment area;

(2) The methodologies used in the application for determining the base year and determining the estimate of the incremental increase in the general revenue portion of the state sales tax revenues or the state income tax withheld by

employers on behalf of new employees who fill new jobs created in the redevelopment area shall be approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. Upon approval of the application, the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee shall issue a certificate of approval. The department of economic development may request the appropriation following application approval;

(3) The appropriation shall be either a portion of the estimate of the incremental increase in the general revenue portion of state sales tax revenues in the redevelopment area or a portion of the estimate of the state income tax withheld by the employer on behalf of new employees who fill new jobs created in the redevelopment area as indicated in the municipality's application, approved by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee. At no time shall the aggregate annual appropriation of the new state revenues for redevelopment areas exceed fifteen million dollars;

(4) Redevelopment plans and projects receiving new state revenues shall have a duration of up to fifteen years, unless prior approval for a longer term is given by the director of the department of economic development or his or her designee and the commissioner of the office of administration or his or her designee; except that, in no case shall the duration exceed twenty-three years.

11. In addition to the areas authorized in subsection 9 of this section, the funding authorized pursuant to subsection 4 of this section shall also be available in a federally approved levee district, where construction of a levee begins after December 23, 1997, and which is contained within a county of the first classification without a charter form of government with a population between fifty thousand and one hundred thousand inhabitants which contains all or part of a city with a population in excess of four hundred thousand or more inhabitants.

12. There is hereby established within the state treasury a special fund to be known as the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the department of economic development. The department shall annually distribute from the Missouri supplemental tax increment financing fund the amount of the new state revenues as appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the conditions of subsection 10 of this section are met. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. Moneys in the Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to state appropriations.

13. All personnel and other costs incurred by the department of economic development for the administration and operation of subsections 4 to 12 of this section shall be paid from the state general revenue fund. On an annual basis, the general revenue fund shall be reimbursed for the full amount of such costs by the developer or developers of the project or projects for which municipalities have made tax increment financing applications for the appropriation of new state revenues, as provided for in subdivision (1) of subsection 10 of this section. The amount of costs charged to each developer shall be based upon the percentage arrived at by dividing the monetary amount of the application made by each municipality for a particular project by the total monetary amount of all applications received by the department of economic development."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 45

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 57, Section 135.766, Line 16, by inserting after all of said line the following:

"144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo[,]**:**

(a) All sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars

of state sales and use taxes in such calendar year **and, except as provided in subsection 4 of Section 155.080, shall be exempt from taxation on the first one million dollars of sales tax or purchases other than aviation jet fuel; and**

(b) Any common carrier engaged in the interstate air transportation of passengers and cargo which has a national corporate headquarters located in this state and uses as a hub for its operations an airport located within this state, and either purchases, stores, uses or consumes within this state less than three million gallons of aviation jet fuel per month on average throughout the calendar year shall, except as provided in subsection 4 of section 155.080, be exempt from taxation on the first one hundred fifty thousand dollars on the purchase of aviation jet fuel.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable [to the aviation jet fuel so purchased, stored, used and consumed]. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year**, or up to the maximum aggregate amount of one hundred fifty thousand dollars in each calendar year, whichever is applicable**. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. [Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5.] The provisions of this section and section 144.807 shall expire on December 31, [2003] **2004**.

155.080. 1. There is hereby imposed a use tax on each gallon of aviation fuel used in propelling aircraft with reciprocating engines. The tax is imposed at the rate of nine cents per gallon. Such tax is to be collected and remitted to this state or paid to this state in the same manner and method and at the same time as is prescribed by chapter 142, RSMo, for the collection of the motor fuel tax imposed on each gallon of motor fuel used in propelling motor vehicles upon the public highways of Missouri.

2. All applicable provisions contained in chapter 142, RSMo, governing administration, collection and enforcement of the state motor fuel tax shall apply to this section, including but not limited to reporting, penalties and interest.

3. Each commercial agricultural aircraft operator may apply for a refund of the tax it has paid for aviation fuel used in a commercial agricultural aircraft. All such applications for refunds shall be made in accordance with the procedures specified in chapter 142, RSMo, for refunds of motor fuel taxes paid. If any person who is eligible to receive a refund of aviation fuel tax fails to apply for a refund as provided in chapter 142, RSMo, he makes a gift of his refund to the aviation trust fund.

4. Effective from September 1, 1998 until December 31, 2008, all sales and use tax revenues upon aviation jet fuel received pursuant to chapter 144, RSMo, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, RSMo, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not be less than that credited in fiscal year 2001 and shall not exceed six million dollars in each calendar year.

305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision or instrumentality of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision or instrumentality of this state or the owner or owners of any privately owned airport

designated as a reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration shall be made from the aviation trust fund. In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to [eighty] **ninety** percent state/[twenty] **ten** percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education;

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the Department of Defense, except no more than one hundred twenty-five thousand dollars per year may be used for any individual control tower.

5. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri department of transportation. For projects designated as emergencies by the Missouri department of transportation, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 46

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 & 1810, Page 64, Section 205.577, Line 17, by inserting after the period on said line the following:

"**The provisions of sections 205.571 through 205.577 shall expire on Jan. 1, 2004.**".

Senate Amendment No. 47

AMEND Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Nos. 1566 and 1810, Page 106, Section 620.1575, Line 5, by inserting immediately after said line the following:

"**Section 1. For every corporation who shall enter into a transaction for the sale of land to the institution referred to in section 174.600, RSMo, such corporation shall be entitled to an income tax credit equal to fifty percent of the amount the purchase price of such land is less than the assessed value of such land operating as an institution defined in subsection 2 of section 197.020, RSMo.**"; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SCR 37** and has taken up and passed **HS HCS SCR 37**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SB 724** and has taken up and passed **HS HCS SB 724**.

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 the Conference Committee Report on **HCS SB 741, as amended**, and has taken up and passed **HCS SB 741**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS SS SCS SBs 867 & 552, as amended,** and has taken up and passed **HS SS SCS SBs 867 & 552, as amended**.

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 1386 & 1086**, entitled:

An act to repeal sections 660.250, 660.260 and 660.300, RSMo 1994, and sections 210.903, 210.909, 210.915 and 210.936, RSMo Supp. 1999, relating to care for the elderly or disabled, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4, as amended

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1386 & 1086, Page 7, Section 660.300, Line 34, by striking the following: "9 CSR 30-4.025" and inserting in lieu thereof the following:

"**9 CSR 30-4.030**".

Senate Amendment No. 1
to
Senate Amendment No. 3

AMEND Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1386 & 1086, Page 21, Section 455.230, Line 15, by inserting after all of said line the following:

"**455.300. 1. There is hereby established the "Missouri Domestic Violence Commission" within the department of public safety, to study solutions for domestic violence in Missouri. The commission shall be composed of the following members:**

(1) One judge of a juvenile court, who shall be appointed by the chief justice of the supreme court;

(2) One judge of a family court, who shall be appointed by the chief justice of the supreme court; and

(3) Nine members of the general public, five of whom shall represent domestic violence providers and one of whom shall represent a state-wide coalition against domestic violence. All members shall serve for as long as they hold the position which made them eligible for appointment to the Missouri domestic violence commission under this subsection. All members shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

2. All meetings of the Missouri domestic violence commission shall be open to the public and shall, for all purposes, be deemed open public meetings under the provisions of sections 610.010 to 610.030, RSMo. The Missouri domestic violence commission shall meet no less than once every two months, and shall hold its first meeting no later than sixty days after January 1, 2001. Notice of all meetings of the commission shall be given to the general assembly in the same manner required for notifying the general public of meetings of the general assembly.

3. The Missouri domestic violence commission may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

4. The commission shall elect from amongst its members a chairman, vice chairman, a secretary reporter, and such other officers as it deems necessary.

5. The services of the personnel of any agency from which the director or deputy director is a member of the commission shall be made available to the commission at the discretion of such director or deputy director. All meetings of the commission shall be held in the state of Missouri.

6. The commission, by majority vote, may invite individuals representing local and federal agencies or private organizations and the general public to serve as ex officio members of the commission. Such individuals shall not have a vote in commission business and shall serve without compensation but may be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

455.305. 1. Beginning in 2001, the department of social services and the Missouri domestic violence commission established pursuant to this chapter, shall establish and administer up to twenty domestic violence intervention/rehabilitation pilot projects. Such projects shall operate as satellite projects through existing

domestic violence prevention facilities where no such facilities exist for the following purposes:

(1) To implement, expand, and establish cooperative efforts between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence;

(2) To prevent domestic violence and provide immediate shelter for victims of domestic violence;

(3) To provide treatment and counseling to victims of domestic violence; and

(4) To work in cooperation with the community to develop education and prevention strategies regarding domestic violence.

2. Funding for the pilot programs shall be subject to appropriation.

3. The department and the commission shall promulgate rules and regulations, pursuant to chapter 536, RSMo, to implement, administer, and monitor the pilot projects. 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, 2000, shall be invalid and void.

4. Beginning in 2001, the department and the commission shall submit an annual report of its activities to the speaker of the house of representatives, the president pro tem of the senate, and the governor before December thirty-first of each year."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1386 & 1086, Page 1, Section A, Line 4, by inserting after all of said line the following:

"**43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.**

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) In accordance with the provisions of chapter 536, RSMo, establish such rules and regulations as are necessary for implementing the provisions of this section.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety.

4. Any law enforcement agency that violates this section may be ineligible to receive state or federal funds which would otherwise be paid to such agency for law enforcement, safety or criminal justice purposes."; and

Further amend said bill, Page 3, Section 210.936, Line 4, by inserting after all of said line the following:

"375.1312. 1. As used in this section, the following terms mean:

(1) "Domestic violence", the occurrence of **stalking or** one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566, RSMo;

(2) "Family or household member", [a spouse, former spouse, person living with another person, whether or not as spouses, parent or other adult person related by consanguinity or affinity who is residing or has resided with the person committing the domestic violence and dependents of such persons] **spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time;**

(3) "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

(4) "Sole", a single act or a pattern of domestic violence which may include multiple acts;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

(1) Deny, cancel or refuse to issue or renew an insurance policy;

(2) Require a greater premium, deductible or any other payment;

(3) Exclude or limit coverage for losses or deny a claim;

(4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;

(5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or

(6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

5. **If an innocent coinsured files a police report and completes a sworn affidavit that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment.**

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices.

455.010. As used in sections 455.010 to 455.085, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected [under] **pursuant to** sections 455.010 to 455.085:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to another adult and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;

(f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person eighteen years of age or older or otherwise emancipated **pursuant to sections 454.1200 to 454.1209, RSMo**;

(3) "Court", the circuit or associate circuit judge or a family court commissioner;

(4) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(5) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past**, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim,** and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(6) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(7) "Order of protection", either an ex parte order of protection or a full order of protection;

(8) "Petitioner", a family or household member or an adult who has been the victim of stalking, who has filed a verified petition [under] **pursuant to** the provisions of section 455.020;

(9) "Respondent", the family or household member or adult alleged to have committed an act of stalking, against whom a verified petition has been filed;

(10) "Stalking" is when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct".

455.045. **1.** Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Restraining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) **Restraining the respondent from communicating with the petitioner in any manner or through any**

medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from abuse or stalking and may include:

(1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased or rented by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit[.]**; or**

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium;

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452, RSMo;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452, RSMo;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs**;**

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452, RSMo, and shall consider all other factors in accordance with chapter 452, RSMo.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further abuse. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452, RSMo, whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452, RSMo.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452, RSMo.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term “primary physical aggressor” is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

(1) The intent of the law to protect victims of domestic violence from continuing abuse;

(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;

(3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within

five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, **communication initiated by the respondent** or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270, RSMo.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

455.205. 1. The governing body of any county, or of any city not within a county, by order or ordinance to be effective prior to January 1, [2000] **2001,** may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court [under the provisions of section 452.305, RSMo]. The surcharge shall not be charged when [no court costs are otherwise required, and shall not be charged when] costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license, and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition, and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020, RSMo. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230.

455.220. 1. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:

(1) Be incorporated in the state as a nonprofit corporation;

(2) Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;

(3) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;

(4) Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;

(5) Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter **and any information or records that are directly related to the advocacy services provided to such individuals;**

(6) Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality requirement in subdivision (5) of this subsection.

2. **Any person employed by or volunteering services to a shelter for victims of domestic violence shall be**

incompetent to testify concerning any confidential information described in subdivision (5) of subsection 1 of this section, unless the confidentiality requirement is waived in writing by the individual served by the shelter.

3. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

455.230. 1. A shelter for victims of domestic violence that receives funds pursuant to sections 455.200 to 455.230 shall file an annual report with the designated authority of the county, or of the city not within a county, in which it is located, on or before the thirty-first day of March of the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person. **Any information contained in the report that is directly related to advocacy services provided by the shelter shall not be construed as a violation of section 455.220. Any shelter for victims of domestic violence as defined in this chapter may apply to the department of public safety for a grant to provide funds for the renovation, construction and improvement of such shelter on a 75/25 state/local match rate, subject to appropriation.**

2. The designated authority shall compile the reports filed pursuant to subsection 1 of this section annually.

3. In addition to any shelter funded under said section, subject to appropriation, the department of social services shall fund a child assessment center to serve the needs of children from families in conflict and from domestic violence to be located in any county of the first classification without a charter form of government with a population of more than one hundred sixty thousand but less than two hundred thousand.

455.540. As used in sections 455.540 to 455.547, the following terms shall mean:

(1) "Adult", any person eighteen years of age or older;

(2) "Domestic violence", as provided in section 455.200[;

(3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo].

455.543. 1. [In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.] **In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence, as defined in section 455.200.**

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

(1) **If** the relationship between the perpetrator and the victim **is or was that of a family or household member, as defined in section 455.010**;

(2) Whether the victim **or perpetrator** had previously filed for an order of protection [pursuant to this chapter];

(3) Whether [such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim] **any of the subjects involved in the incident had previously been investigated for incidents of domestic violence**; and

(4) Any other evidence regarding the homicide **or suicide** that assists the agency in making its determination.

3. After making a determination as to whether the homicide **or suicide** is related to domestic violence, the [chief local] law enforcement [officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which] **agency shall forward the information required within fifteen days to the Missouri state highway patrol on a form or format approved by the patrol. The required information** shall include the [name,] gender and age of the victim**, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator**. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all [local] law enforcement agencies by October 1, [1998] **2000**. Completed forms shall be forwarded to the highway patrol [no later than seven days after a suspect is arrested for the homicide] **without undue delay as required by section 43.500, RSMo; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence**.

455.545. The highway patrol shall compile an annual report of homicides **and suicides** related to domestic

violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

455.550. All full orders of protection issued pursuant to this chapter shall include the Social Security number of the respondent, if known.

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

(1) "Domestic assault offense"[,]**:**

(a) The commission of the crime of domestic assault in the first degree pursuant to section 565.072 or domestic assault in the second degree pursuant to section 565.073; or

(b) The commission of the crime of assault in the first degree[,] pursuant to the provisions of section 565.050[,] or assault in the second degree pursuant to the provisions of section 565.060, if the victim of the assault was a family or household member;

(2) "Family" or "household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past**, an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim,** and adults who have a child in common regardless of whether they have been married or have resided together at any time;

(3) "Persistent domestic violence offender", a person who has pleaded guilty to or has been found guilty of two or more domestic assault offenses, where such two or more offenses occurred within ten years of the occurrence of the domestic assault offense for which the person is charged; and

(4) "Prior domestic violence offender", a person who has pleaded guilty to or has been found guilty of one domestic assault offense, where such prior offense occurred within five years of the occurrence of the domestic assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent domestic violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months imprisonment.

3. The court shall find the defendant to be a prior domestic violence offender or persistent domestic violence offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent domestic violence offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior domestic violence offender or persistent domestic violence offender.

4. In a jury trial, such facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

6. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

8. Nothing in this section shall prevent the use of presentence investigations or commitments.

9. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

10. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

11. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior domestic violence offenders or persistent domestic violence offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, RSMo,

or chapter 568, RSMo, within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

14. **Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the offender is a prior domestic violence offender. The offender shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the offender is a persistent domestic violence offender or the prior domestic violence offender inflicts serious physical injury on the victim.**

15. Any person who has pleaded guilty to or been found guilty of a violation of section 565.073 shall be sentenced:

(a) To the authorized term of imprisonment for a class B felony if the court finds the offender is a prior domestic violence offender; or

(b) To the authorized term of imprisonment for a class A felony if the court finds the offender is a persistent domestic violence offender.

[The provisions of section 375.1312, RSMo, shall become effective on January 1, 1999.]

565.072. 1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, as defined in section 455.010, RSMo.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim in which case it is a class A felony.

565.073. 1. A person commits the crime of domestic assault in the second degree if the act involves a family or household member, as defined in section 455.010, RSMo, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, including but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

565.074. 1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member, as defined in section 455.010, RSMo, and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household members."; and

Further amend page 1, in the title, lines 3-4, by deleting "relating to care for the elderly and disabled" and insert in lieu thereof, the following: "**relating to the protection of certain persons**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1
to
Senate Amendment No. 4

AMEND Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1386 & 1086, Page 21, Section 197.460, Line 7, by inserting after "regulations" the following:

"**;**

(9) Any person or entity licensed pursuant to chapter 338, RSMo. The board of pharmacy shall investigate complaints made against any person or entity licensed pursuant to chapter 338, RSMo, or any employee of such entity. After investigation the board of pharmacy shall refer the results of their investigation to the appropriate professional licensing board for appropriate action. If the complaint is against an unlicensed employee, the board of pharmacy shall handle the entire investigation and take appropriate action. The board of pharmacy shall promulgate rules for any activity or services provided by these persons or entities.".

Senate Amendment No. 4

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1386 & 1086, Page 1, Section A, Line 4, by inserting after all of said line the following:

"197.400. As used in sections 197.400 to [197.475] **197.477**, unless the context otherwise requires, the following terms mean:

(1) **"Branch office", a location or site from which an organization provides services within a portion of the total geographic area served by the parent company. A branch office is part of a company and is located sufficiently close to it to share administration, supervision and services in a manner that renders it unnecessary for the branch to independently meet the requirements of a home care company;**

(2) "Client residence", a temporary or permanent domicile of a person receiving home health services, professional services or paraprofessional services;

(3) "Council", the home [health services] **care** advisory council created by sections 197.400 to [197.475] **197.477**;

[(2)] **(4) "Deficiency", a statement of a deficit practice;**

(5) "Department", the department of health;

(6) "Home care company", any public or private organization or part of an organization that is staffed or equipped to provide home health services, professional services or paraprofessional services;

[(3)] **(7)** "Home health [agency] **category**", **a category of home care company which is** a public [agency] or private organization or [a subdivision or subunit of an agency or organization that provides two or more home health services at the residence of a patient according to a physician's written and signed plan of treatment] **part of an organization that provides home health services and is eligible to be certified as a Medicare provider of home health services, as defined in Title XVIII of the Social Security Act**;

[(4)] **(8)** "Home health services", any [of the following items and services provided at the residence of the patient on a part-time or intermittent basis: nursing, physical therapy, speech therapy, occupational therapy, home health aid, or medical social service] **services provided at the residence of a client which, at a minimum, meet the standards established pursuant to 42 C.F.R. 484, Medicare Conditions of Participation: Home Health Agencies**;

[(5) "Part-time or intermittent basis", the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any twenty-four-hour period;

(6) "Patient's residence", the actual place of residence of the person receiving home health services, including

institutional residences as well as individual dwelling units;

(7)] **(9) "Local public health agency", an organization that promotes preventative health services for all of its citizens and is established by a city or county by appropriating funds from their general revenue taxing authority or pursuant to chapter 70, RSMo, or chapter 205, RSMo;**

(10) "Paraprofessional home care category", a category of home care company which is any public or private organization or part of an organization that provides paraprofessional services;

(11) "Paraprofessional services", personal care-related services provided at the residence of a client by an unlicensed caregiver that are unskilled in nature, may require a physician order, plan of care or service plan, and may include certain limited nursing services as described in state regulation;

(12) "Physician", a person licensed by the state board of registration for the healing arts pursuant to the provisions of chapter 334, RSMo, to practice in this state as a physician and surgeon;

[(8)] **(13)** "Plan of [treatment] **care**", a [plan reviewed and signed as often as medically necessary by a physician or podiatrist, not to exceed sixty days in duration, prescribing items and services for an individual patient's condition] **written plan for home health services and professional services based on a client's diagnosis and an assessment of his or her immediate and long-range needs and resources. A plan of care is established in consultation with a home care team that may include a physician, podiatrist, staff members of the company, a client and members of the client's family**;

[(9)] **(14)** "Podiatrist", a person licensed by the state board of podiatry pursuant to the provisions of chapter 330, RSMo, to practice in this state as a podiatrist;

[(10) "Subunit" or "subdivision", any organizational unit of a larger organization which can be clearly defined as a separate entity within the larger structure, which can meet all of the requirements of sections 197.400 to 197.475 independent of the larger organization, which can be held accountable for the care of patients it is serving, and which provides to all patients care and services meeting the standards and requirements of sections 197.400 to 197.475]

(15) "Professional home care category", a category of home care company which is any public or private organization or part of an organization that provides professional services;

(16) "Professional services", services, other than home health services, provided at the residence of a client by a health care professional who is considered by the state as being qualified to provide such services. Such services are provided on a per visit, hourly or shift basis and may require a plan of care, service plan or an order signed by a physician, podiatrist or other practitioner as allowed by state law;

(17) "Sanction", actions to be determined by the department and assessed against individuals who have been proven to have violated the provisions of sections 197.400 to 197.477 and which may include, but are not limited to, suspension or revocation of licensure;

(18) "Service plan", a written plan for paraprofessional services developed and agreed upon by a client and provider that includes a description of services to be provided and a schedule or frequency of such services;

(19) "Supervision", authoritative guidance given by a qualified person, including initial direction and periodic direction or indirect monitoring of services;

(20) "Survey inspection", monitoring by the department for compliance with state regulations related to sections 197.400 to 197.477, including investigation of complaints.

197.405. **1.** [No home health agency, including Medicare and Medicaid providers, shall provide two or more of the home health services covered by subdivision (4) of section 197.400 or shall hold itself out as providing such home health services or as a home health agency] **No public or private organization or part of an organization shall hold itself out as a home care company or as providing home health services, professional services or paraprofessional services** unless it is licensed and registered in accordance with the provisions of sections 197.400 to [197.475] **197.477**.

2. No person shall establish, conduct or maintain a home care company in this state without maintaining a business location within the state and a valid license issued by the department. A branch office of a licensed home care company shall not require separate licensing.

3. The paraprofessional category of a home care company that provides services licensed, certified, regulated or contracted with the division of aging in the department of social services may elect to be regulated by the division of aging and shall be exempt from licensure by the department of health. Any home care company that elects to be exempt from the home care paraprofessional category pursuant to this subsection shall be monitored, regulated and overseen by the division of aging to assure that, regardless of payer source, all individuals receiving paraprofessional services by such company, including individuals who are not clients of the division of aging, are included as a responsibility of the division of aging.

4. No person shall interfere with or prevent any authorized representative of the department or the

attorney general from enforcing the provisions of sections 197.400 to 197.477.

197.410. [1. Persons desiring to receive a license to operate a home health agency in the state of Missouri shall file a written application with the department of health on a form prescribed by the director of the department.

2. The application shall be accompanied by a six hundred-dollar license fee] **A license shall be renewed annually upon approval by the department if the following conditions are met:**

(1) An application for renewal is completed on forms provided by the department, filed with the department and accompanied by the required nonrefundable license fee;

(2) The company is in compliance with the requirements in sections 197.400 to 197.477, as evidenced by a survey inspection by the department which shall occur prior to initial licensure, once a year for the first three years and at least once every thirty-six months thereafter. Except for the inspection prior to initial licensure, such inspections shall be conducted:

(a) Without the prior notification of the company; and

(b) At times of the day, on dates and at intervals which do not permit companies to anticipate such inspections;

(3) Each initial application for a home care company shall be filed on forms provided by the department and accompanied by the required nonrefundable license fee. Such application must be approved by the department prior to initiating client care.

The department of health shall coordinate initial and annual inspections of all home care categories and other inspections when possible.

197.415. 1. [The department shall review the applications and shall issue a license to applicants who have complied with the requirements of sections 197.400 to 197.475 and have received approval of the department.

2. A license shall be renewed annually upon approval of the department when the following conditions have been met:

(1) The application for renewal is accompanied by a six-hundred-dollar license fee;

(2) The home health agency is in compliance with the requirements established pursuant to the provisions of sections 197.400 to 197.475 as evidenced by a survey inspection by the department which shall occur at least every thirty-six months for agencies that have been in operation thirty-six consecutive months from initial inspection. The frequency of inspections for agencies in operation at least thirty-six consecutive months from the initial inspection shall be determined by such factors as number of complaints received and changes in management, supervision or ownership. The frequency of each survey inspection for any agency in operation less than thirty-six consecutive months from the initial inspection shall occur and be conducted at least every twelve months;

(3) The application is accompanied by a statement of any changes in the information previously filed with the department pursuant to section 197.410.

3. Each license shall be issued only for the home health agency listed in the application. Licenses shall be posted in a conspicuous place in the main offices of the licensed home health agency.

4.] **If the application review is not completed prior to the expiration of a license and the company is not at fault for the failure to complete the application review process, the department may issue a temporary operating permit of sufficient duration to allow for state review of the home care company's relicensure application.**

2. Each license shall be issued only for the home care company listed on the application. Such license shall be:

(1) Posted in a conspicuous place in the office of the licensed home care company; or

(2) Made available for review upon request.

3. Any license issued shall state the licensure category or categories for which the license is issued, the name of the home care company to whom it is issued, the expiration date, and any additional information or special limitations that the department may require by rule.

4. If a home care company is relocating, the company shall notify the department in writing thirty days prior to the intended relocation. The department may provide written notification to the home care company amending the current license to reflect the new location.

5. In lieu of any survey required by sections 197.400 to [197.475] **197.477**, the department may accept in whole or in part written reports of the survey of any state or federal agency, or of any professional accrediting agency, **such as the joint commission on accreditation of health care organizations and the community health accreditation program,** if such survey:

(1) Is comparable in scope and method to the department's surveys; and

(2) [Is conducted within one year of initial application or within thirty-six months for the renewal of the home health license as required by subdivision (2) of subsection 2 of this section] **Meets all required time frames; and**

(3) Is provided to the department with sufficient documentation to assure that the home care company is in compliance with the requirements in sections 197.400 to 197.477.

6. Services provided pursuant to chapter 338, RSMo, shall be excluded from survey inspection.

197.420. **1.** A license shall not be transferable or assignable. When a home [health agency] **care company** is sold or ownership or management is transferred, or the corporate legal organization status is [substantially] changed, the license of the [agency] **company** shall be voided and a new license obtained. Application for a new license shall be made to the department in writing[, at least ninety days] prior to the effective date of the sale, transfer, or change in corporate status. The application for a new license shall be on the same form, containing the same information required for an original license, and shall be accompanied by [a license fee of six hundred dollars. The department may issue a temporary operating permit for the continuation of the operation of the home health agency for a period of not more than ninety days pending the survey inspection and the final disposition of the application. The department shall require all licensed home health agencies to submit statistical reports. The content, format, and frequency of such reports shall be determined by the department with council approval] **the required nonrefundable license fee.**

2. The department may issue a temporary operating permit of sufficient duration to allow the department to evaluate an application for a license submitted as a result of a change in ownership.

197.422. The department shall require all licensed home care companies to submit statistical reports. The content, format and frequency of such reports shall be established by the department in conjunction with the home care advisory council and shall not include financial information.

197.425. In addition to the survey inspection required for licensing or license renewal, the department may [make other survey inspections] **conduct survey inspections** during normal business hours. Each home [health agency] **care company** shall allow the department or its authorized representatives to enter upon its premises during normal business hours for the purpose of conducting the survey [inspection] **inspections**.

197.430. After completion of each department [survey] **inspection**, a written [report] **statement** of the findings with respect to compliance or noncompliance with the provisions of sections 197.400 to [197.475] **197.477** and the standards established hereunder as well as a list of deficiencies found shall be prepared. A copy of the [report] **statement** and the list of deficiencies found shall be served upon the home [health agency] **care company** within fifteen business days following the [survey] inspection. The list of deficiencies shall specifically state the statute or rule which the home [health agency] **care company** is alleged to have violated. If the home [health agency] **care company** acknowledges the deficiencies found by the [survey] inspection, the home [health agency shall inform the department of the time necessary for compliance and] **care company** shall file a plan of correction with the department **within thirty days of the inspection completion date**. If the [home health agency] **company** does not acknowledge the deficiencies, it [may request a resurvey] **shall request a reinspection** by the department. If, after the [resurvey] **reinspection**, the home [health agency] **care company** still does not agree with the findings of the department, it may seek a review of the findings of the department by the administrative hearing commission **in accordance with chapter 621, RSMo. In case of immediate client jeopardy, immediate sanctions may be imposed**.

197.435. **1.** Any person wishing to make a complaint against a home [health agency licensed under] **care company licensed pursuant to** the provisions of sections 197.400 to [197.475] **197.477** may file the complaint **orally or** in writing with the department setting forth the details and facts supporting the complaint. [If the department determines the charges are sufficient to warrant a hearing to determine whether the license of the home health agency should be suspended or revoked, the department shall fix a time and place for a hearing and require the home health agency to appear and defend against the complaint. A copy of the complaint shall be given to the home health agency at the time it is notified of the hearing. The notice of the hearing shall be given at least twenty days prior to the date of the hearing. The hearing shall be conducted by the administrative hearing commission in accordance with the provisions of chapter 621, RSMo.] **The department shall investigate all complaints and prepare a written statement of the investigative findings with respect to compliance or noncompliance with sections 197.400 to 197.477 and the standards established hereunder, as well as a list of deficiencies found which shall be served upon the home care company within fifteen business days following such investigation. The list of deficiencies shall specifically state the statute or rule which the home care company is alleged to have violated. If the company acknowledges the deficiencies found by the inspection, the company shall file a plan of correction with the department within thirty days of the inspection completion date. If the company does not agree with the findings of the investigation the company may seek a review of such findings by the administrative hearing commission in accordance with**

chapter 621, RSMo. In cases of immediate client jeopardy, immediate sanctions may be imposed.

2. Each employee of a home care company shall be responsible for reporting any evidence of abuse, neglect or exploitation of any client served by the home care company in accordance with state law.

197.440. 1. The department shall refuse to issue or shall suspend or shall revoke the license of any home [health agency] **care company** for failure to comply with any provision of sections 197.400 to [197.475] **197.477** or with any rule or standard of the department adopted [under] **pursuant to** the provisions of sections 197.400 to [197.475] **197.477** or for obtaining the license by means of fraud, misrepresentation[,] or concealment of material facts.

2. Any home [health agency] **care company** which has **had sanctions imposed,** been refused a license or which has had its license revoked or suspended by the department may seek a review of the department's action by the administrative hearing commission **in accordance with chapter 621, RSMo. A sanction shall be designed to minimize the time between identification of a problem and imposition of such sanction and shall provide for the imposition of incrementally more severe sanctions for repeated or uncorrected problems.**

3. A home care company shall not reapply for licensure for a six-month period following a final action by the department pursuant to this section.

4. A license shall not be issued or renewed if the operator, owner or any principle in the operation of the home care company has been convicted of any offense concerning the operation of a home care company or any offense that is reasonably related to the qualifications, functions or duties of a home care company. Notwithstanding any other provision of law to the contrary, the department shall have access to records involving an operator, owner or any principle in the operation of a home care company applying for or renewing a license pursuant to this chapter, where the applicant has been adjudicated and found guilty or entered a plea of guilty or nolo contendere in a prosecution pursuant to the laws of any state or of the United States for any offense reasonably related to the qualifications, functions or duties of any person who operates or owns a home care company licensed pursuant to sections 197.400 to 197.477. The department may deny, suspend or revoke the license of any home care company whose operators, owners or any principles in the operation of the company have been convicted of such an offense.

5. The department shall promulgate rules to waive the restrictions pursuant to subsection 4 of this section for good cause. For purposes of this section, "good cause" means a determination by the department after examining the prior work history and other relevant factors that such operators, owners or principles do not present a risk to the health or safety of clients.

197.445. 1. **The department shall administer the provisions of sections 197.400 to 197.477.** The department may adopt reasonable rules and standards necessary to carry out the provisions of sections 197.400 to 197.477. [The rules and standards adopted shall not be less than the standards established by the federal government for home health agencies under Title XVIII of the Federal Social Security Act. The reasonable rules and standards shall be initially promulgated within one year of September 28, 1983.] **In promulgating regulations for the licensure of home care companies, the department shall establish licensure procedures for a home care category, professional home care category and paraprofessional home care category, with separate and distinct regulations for each of the three licensure categories. All rules shall be initially promulgated within one year of the effective date of this section. The regulations for the professional home care category shall not exceed the Medicaid private duty nursing regulations and the regulations for the paraprofessional category shall not exceed the Medicaid personal care regulations.**

2. The rules and standards adopted by the department pursuant to the provisions of sections 197.400 to 197.477 shall apply to all health services covered by sections 197.400 to 197.477 rendered to any patient being served by a home [health agency] **care company** regardless of source of payment for the service, patient's condition, or place of residence[, at which the home health services are ordered by the physician or podiatrist]. No rule or portion of a rule promulgated pursuant to the authority of sections 197.400 to 197.477 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. All agencies of the state or any of its political subdivisions shall assist and cooperate with the department as necessary to carry out the department's responsibility pursuant to sections 197.400 to 197.477.

197.450. 1. There is hereby created the "Home [Health Services] **Care** Advisory Council", which shall guide, advise and make recommendations to the department relating to the rules and standards adopted and the implementation and administration of sections 197.400 to [197.475] **197.477**.

2. Members of the council shall be residents of this state. The council shall consist of members who shall serve for a term of three years. No member may serve more than two successive full terms. [One member] **Two members** of the council shall be [a representative] **representatives** of the department, and **one** such member shall serve as chairman

of the council. [Three members] **One member** shall be [citizens] **a citizen** selected from the state at large and shall have no connection with any home [health agency. Five] **care company. Six** members shall be representatives of [home health agencies and one of these five members shall be selected from each of the following types of home health agencies:

(1) Public sponsored home health agencies;

(2) Institutional sponsored home health agencies;

(3) Voluntary nonprofit home health agencies;

(4) Private nonprofit home health agencies; and

(5) For profit home health agencies] **each of the three home care licensure categories. Each category shall have at least one representative on the council**.

3. All members of the council shall be appointed by the director of the department. The term of office of each member shall be for three years or until his **or her** successor is appointed; except that, of the members first appointed, three shall be selected for one year, three shall be selected for two years, and three shall be selected for three years. Before a member's term expires, the director of the department shall appoint a successor to assume his **or her** duties on the expiration of his **or her** predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

4. The council shall meet not less than [quarterly] **twice** each year**, in person or by telecommunication,** at a place, day and hour determined by the [council] **department**. The council may also meet at such other times and places as may be designated by the chairman, or upon the request of the majority of the other members of the council.

5. Members of the council shall receive no compensation for their services, but shall be reimbursed, out of funds appropriated to the department for that purpose, for their actual and necessary expenses incurred in the performance of their duties.

197.455. The department may file an action in the circuit court for the county in which [any home health agency alleged to be violating the provisions of sections 197.400 to 197.475 resides or may be found] **the home care company is located** for an injunction to restrain the home [health agency] **care company** from continuing the violation **or sections 197.400 to 197.477**.

197.460. 1. The provisions of sections 197.400 to [197.475] **197.477** shall not apply to [individuals who personally provide one or more home health services if such persons are not under the direct control and doing work for and employed by a home health agency.

2. The provisions of sections 197.400 to 197.475 shall not apply to any person or organization conducting a home health agency by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect.

3. The provisions of sections 197.400 to 197.475 shall not apply to any person or other entity which provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo] **the following:**

(1) Any person who is a single self-employed caregiver who provides one or more of the services defined in sections 197.400 to 197.477, when such services are not provided as an employee, or under agreement or contract with a home care company;

(2) Any person or other entity operating a home care company by and for the adherents of any recognized church or religious denomination or sect for the purpose of providing services for the care or treatment of the sick or infirm who depend upon prayer or spiritual means for healing in the practice of the religion of such church or religious denomination or sect;

(3) Any person or entity that provides services pursuant to subdivision (18) of subsection 1 of section 208.152, RSMo, or provides in-home services pursuant to subdivision (21) of subsection 2 of section 660.050, RSMo, or provides in-home services pursuant to Title XIX of the Social Security Act, or any service or program authorized by the division of aging;

(4) Any person or entity licensed, certified, contracted, employed or operated by the state or its political subdivisions to provide specialized services, including care, treatment, habilitation and rehabilitation exclusively to persons affected by mental disorders, mental illness, mental retardation, developmental disabilities, or alcohol or drug abuse, as defined in section 630.005, RSMo;

(5) Any person or entity licensed, certified, contracted, employed or operated by the state to provide home health, paraprofessional or professional services to patients or clients of the division of vocational rehabilitation in the department of elementary and secondary education;

(6) The first steps program in the department of elementary and secondary education;

(7) Exempt from licensing services provided by a local public health agency not funded by private pay or a third-party payer such as Medicare, Medicaid or health insurance;

(8) The services of a provider or program that are regulated by a state regulatory program, other than those administered pursuant to this chapter, may be exempt from licensure pursuant to this chapter if the department determines the other program's regulatory standards are substantially the same or exceed the requirements of this chapter. To be exempted pursuant to this subdivision, a provider or program shall request that the department review the standards under which the provider or program is regulated. The department may require the provider or program to provide any information necessary to determine the comparability of the regulations.

2. Nothing in this section shall prohibit any person or entity from applying for a license pursuant to sections 197.400 to 197.477.

[197.470. All reports or documents collected by the department, or findings and decisions made by the department, under the provisions of sections 197.400 to 197.475, unless declared to be a confidential record under any other provision of law, shall be available to public inspection upon written request. The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.]

197.474. The provisions of sections 197.400 to 197.477 shall be fully implemented by July 1, 2002.

197.477. Upon the completion of the final report of an inspection or evaluation of a health facility or agency or any part thereof pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, including any amendments thereto which may hereinafter be enacted by the general assembly or rule or regulation promulgated pursuant thereto, the department of health may disclose to the public reports of the inspections or evaluations showing the standards by which the inspections or evaluations were conducted, whether such standards were met, and, if such standards were not met, in what manner they were not met and how the facility proposed to correct or did correct the deficiencies. All other information whatsoever, including information and reports submitted to the department of health by governmental agencies and recognized accrediting organizations in whole or in part for licensure purposes pursuant to sections 190.235 to 190.249, RSMo, sections 197.010 to 197.120, sections 197.200 to 197.240, or sections 197.400 to 197.475, collected during such inspections or evaluations or information which is derived as a result of such inspections or evaluations shall be confidential and shall be disclosed only to the person or organization which is the subject of the inspection or evaluation or a representative thereof. **The material requested shall be made available within thirty days after receipt of the request. The department may charge a reasonable fee for the copying of any material.**"; and

Further amend the title and enacting clause accordingly.

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 adopted the Conference Committee Report on **SCS HB 1591**, and has taken up and passed **SCS HB 1591, as amended, by the CCR**.

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 **CCR HS HCS SB 788, as amended**, and has taken up and passed **CCS HS HCS SB 788**.

THIRD READING OF SENATE BILL

HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, relating to intoxication related offenses, was taken up by Representative Hosmer.

Representative Hosmer offered **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 12, Section 302.302, Line 24 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 13, Section 302.302, Line 4 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 29, Section 302.505, Line 24 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 30, Section 302.505, Line 11 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 31, Section 302.510, Line 6 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 31, Section 302.510, Line 8 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 31, Section 302.510, Line 16 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 32, Section 302.520, Line 14 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 32, Section 302.520, Line 18 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 38, Section 302.541, Line 11 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 38, Section 302.541, Line 15 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 38, Section 302.541, Lines 22 to 23 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 39, Section 302.545, Line 8 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 42, Section 577.012, Line 21 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 49, Section 577.037, Line 20 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 50, Section 577.037, Line 20 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 52, Section 577.041, Line 21 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

Further amend said bill, Page 55, Section 577.041, Line 4 of said page, by deleting the words "**eighty-five**" and inserting in lieu thereof the words "**eighty-two**"; and

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

Representative Hosmer offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 12, Section 302.302, Line 24 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 13, Section 302.302, Line 4 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Pages 29 and 30, Section 302.505, Lines 24 and 1 of said pages, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 30, Section 302.505, Line 11 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Line 6 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Line 8 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 31, Section 302.510, Lines 16 and 17 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 32, Section 302.520, Line 14 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 32, Section 302.520, Line 18 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Line 11 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Line 15 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 38, Section 302.541, Lines 22 to 23 of said page, by deleting the words "**eighty-**

five thousandths" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 39, Section 302.545, Line 8 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 42, Section 577.012, Lines 21 to 22 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 49, Section 577.037, Lines 20 to 21 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 50, Section 577.037, Line 20 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 52, Section 577.041, Line 21 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

Further amend said bill, Page 55, Section 577.041, Line 4 of said page, by deleting the words "**eighty-five thousandths**" and inserting in lieu thereof the words "**eight-hundredths**"; and

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

Representative Smith resumed the Chair.

Speaker Gaw resumed the Chair.

On motion of Representative Hosmer, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 101

Akin	Alter	Backer	Ballard	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Brooks	Champion
Chrismer	Cierpiot	Crawford	Curls	Davis 122
Days	Dolan	Dougherty	Elliott	Enz
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Gambaro	Gaskill	Graham 106	Hagan-Harrell
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hendrickson
Hilgemann	Holand	Hollingsworth	Hoppe	Hosmer
Howerton	Kasten	Kelley 47	King	Kissell
Koller	Kreider	Lakin	Legan	Levin
Linton	Long	Luetkemeyer	Luetkenhaus	Marble
May 108	McClelland	McLuckie	Merideth	Monaco
Myers	Nordwald	Parker	Patek	Phillips
Pouche 30	Pryor	Ransdall	Reid	Relford
Richardson	Riley	Rizzo	Robirds	Sallee
Scheve	Schilling	Scott	Seigfreid	Selby
Skaggs	Smith	Surface	Tudor	Van Zandt
Ward	Wiggins	Williams 159	Wilson 25	Wright
Mr. Speaker				

NOES: 052

Abel	Auer	Britt	Campbell	Clayton
Crump	Davis 63	Evans	Farnen	Froelker

George	Gibbons	Graham 24	Gratz	Griesheimer
Gross	Gunn	Hegeman	Hickey	Hohulin
Kelly 27	Kennedy	Klindt	Lawson	Liese
Lograsso	Loudon	Mays 50	McKenna	Murphy
Murray	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Reinhart	Reynolds	Ridgeway	Ross
Schwab	Secrest	Shelton	Shields	Summers
Thompson	Townley	Treadway	Troupe	Vogel
Wagner	Wilson 42			

PRESENT: 001

Purgason

ABSENT WITH LEAVE: 007

Burton	Green	Harlan	McBride	Miller
Stokan	Williams 121			

VACANCIES: 002

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 62, Line 6, by inserting immediately after said line the following:

"50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as "The County Crime Reduction Fund".

7. [6.] The county commission may create other funds as are necessary from time to time.

50.555. 1. A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.

2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.

3. Money from the county crime reduction fund shall only be expended for the following purposes:

(1) narcotics investigation, prevention and intervention;

(2) payment of rewards through the sheriff's employees;

(3) purchase of law enforcement related equipment and supplies for the sheriff's office;

(4) matching funds for federal or state law enforcement grants;

(5) funding for the reporting of all state and federal crime statistics or information; and

(6) any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.

5. County crime reduction funds shall be audited as are all other county funds."; and

Further amend said bill, Page 38, Section 550.120, Line 21, by inserting immediately after said line the following:

"558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase "sentence imposed by the court" means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum

of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

(1) Restitution to any victim for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community services;

(4) Work release programs in local facilities; and

(5) Community based residential and nonresidential programs; and

8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to § 50.555, RSMo. Said contribution shall not exceed $1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.

9. [8.] The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed $1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.".

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

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

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 40, Section 302.545, Line 3, by inserting the following at the end of said section:

"**311.299. 1. Any establishment that is licensed pursuant to chapter 311, RSMo, to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this section. Such sign shall be at least eleven inches by fourteen inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects.". The licensee shall display such sign in a conspicuous place on the licensed premises.**

2. Any employee of the supervisor of liquor control may report a violation of this section to the

supervisor, and the supervisor shall issue a warning to the licensee of the violation."; and

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

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

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 43, Section 577.012, Line 9 of said page, by inserting after all of said line the following:

"577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; or

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater**; or**

(5) If the person was operating a motor vehicle and involved in an accident; except that only a chemical test for drug content shall be performed pursuant to this subdivision and only if there was probable cause to believe the operator was intoxicated at the time of the accident.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason**, or by a law enforcement officer or licensed medical personnel whenever the person has been involved in an accident pursuant to subdivision (5) of this subsection**.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to

him.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."; and

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

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

Representative May (108) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for Senate Substitute #2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 579 & 782, Page 40, Section 302.545, Line 3, by inserting at the end of said section the following:

"478.001. **1.** Drug **and alcohol abuse** courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug **and alcohol** use. A drug **and alcohol abuse** court shall combine judicial supervision, drug **and alcohol** testing and treatment of drug **and alcohol abuse** court participants. Except for good cause found by the court, a drug **and alcohol abuse** court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug **and alcohol abuse** court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug **and alcohol abuse** court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

2. A court shall determine if an assessment for drug or alcohol abuse is appropriate for a defendant in any drug or alcohol-related prosecution. Such assessment shall be made before sentencing.

478.003. In any judicial circuit of this state, a majority of the judges of the circuit court may designate a judge to hear cases arising in the circuit subject to the provisions of sections 478.001 to 478.006. In lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as drug **and alcohol abuse** court commissioners. Each commissioner shall be appointed for a term of four years, but may be removed at any time by a majority of the judges of the circuit court. The qualifications and compensation of the commissioner shall be the same as that of an associate circuit judge. If the compensation of a commissioner appointed pursuant to this section is provided from other than state funds, the source of such fund shall pay to and reimburse the state for the actual costs of the salary and benefits of the commissioner. The commissioner shall have all the powers and duties of a circuit judge, except that any order, judgment or decree of the commissioner shall be confirmed or rejected by an associate circuit or circuit judge by order of record entered within the time the judge could set aside such order, judgment or decree had the same been made by the judge. If so confirmed, the order, judgment or decree shall have the same effect as if made by the judge on the date of its confirmation.

478.005. 1. Each circuit court shall establish conditions for referral of proceedings to the drug **and alcohol abuse** court. The defendant in any criminal proceeding accepted by a drug **and alcohol abuse** court for disposition shall be a nonviolent person, as determined by the prosecuting attorney. Any proceeding accepted by the drug **and alcohol abuse** court program for disposition shall be upon agreement of the parties.

2. Any statement made by a participant as part of participation in the drug **and alcohol abuse** court program, or any report made by the staff of the program, shall not be admissible as evidence against the participant in any criminal, juvenile or civil proceeding. Notwithstanding the foregoing, termination from the drug **and alcohol abuse** court program and the reasons for termination may be considered in sentencing or disposition.

3. Notwithstanding any other provision of law to the contrary, drug **and alcohol abuse** court staff shall be provided with access to all records of any state or local government agency relevant to the treatment of any program

participant. Upon general request, employees of all such agencies shall fully inform a drug **and alcohol abuse** court staff of all matters relevant to the treatment of the participant. All such records and reports and the contents thereof shall be treated as closed records and shall not be disclosed to any person outside of the drug **and alcohol abuse** court, and shall be maintained by the court in a confidential file not available to the public.

478.009. 1. In order to coordinate the allocation of resources available to drug and alcohol abuse courts throughout the state, there is hereby established a "Drug and Alcohol Abuse Courts Coordinating Commission" in the judicial department. The drug and alcohol abuse courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug and alcohol abuse courts or for operation of drug and alcohol abuse courts; secure grants, funds and other property and services necessary or desirable to facilitate drug and alcohol abuse court operation; and allocate such resources among the various drug and alcohol abuse courts within the state.

2. There is hereby established in the state treasury a "Drug and Alcohol Abuse Court Resources Fund", which shall be administered by the drug and alcohol abuse courts coordinating commission. Funds available for allocation or distribution by the drug and alcohol abuse courts coordinating commission may be deposited into the drug and alcohol abuse court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug and alcohol abuse court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug and alcohol abuse court resources fund."; and

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

On motion of Representative May (108), **House Amendment No. 5** was adopted.

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

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 61, Section 577.700, by deleting said section; and

Further amend on Page 45, Subsection 2, Line 20, by adding after the word "felony" [.] **where such prior offense occured within five years of the occurrence of the intoxification related traffic offense for which the person is charged.**

On motion of Representative Abel, **House Amendment No. 6** was adopted by the following vote:

AYES: 077

Abel	Auer	Barry 100	Berkstresser	Black
Boykins	Bray 84	Britt	Brooks	Campbell
Cierpiot	Clayton	Crump	Curls	Davis 122
Davis 63	Dougherty	Farnen	Foley	Ford
George	Gibbons	Graham 106	Graham 24	Gratz
Griesheimer	Gunn	Hampton	Hanaway	Hartzler 123
Hegeman	Hickey	Hollingsworth	Kelly 27	Kennedy
King	Kissell	Klindt	Koller	Kreider
Lawson	Liese	Lograsso	Long	Luetkenhaus
Mays 50	McKenna	Merideth	Murphy	Murray
Naeger	O'Connor	O'Toole	Overschmidt	Pouche 30

Ransdall	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Scheve	Schwab
Selby	Shelton	Shields	Summers	Thompson
Townley	Treadway	Tudor	Vogel	Wagner
Ward	Wiggins			

NOES: 071

Akin	Alter	Backer	Barnett	Bartelsmeyer
Bartle	Bennett	Berkowitz	Blunt	Boatright
Bonner	Boucher 48	Champion	Chrismer	Crawford
Days	Dolan	Enz	Evans	Fitzwater
Foster	Franklin	Fraser	Froelker	Gambaro
Gross	Hagan-Harrell	Hartzler 124	Hendrickson	Hilgemann
Holand	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Lakin	Legan	Levin	Linton
Loudon	Luetkemeyer	May 108	McClelland	McLuckie
Myers	Nordwald	Ostmann	Parker	Patek
Phillips	Pryor	Purgason	Reid	Reinhart
Relford	Sallee	Schilling	Scott	Seigfreid
Skaggs	Smith	Surface	Troupe	Van Zandt
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 013

Ballard	Burton	Elliott	Gaskill	Green
Harlan	Hohulin	Marble	McBride	Miller
Monaco	Secrest	Stokan		

VACANCIES: 002

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

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 11, Section 302.060, Line 3, by inserting immediately after the word "license" the following:

"**;**

(13) To any person who is found to be a dangerous persistent offender pursuant to section 577.023, RSMo"; and

Further amend said bill, Page 26, Section 302.309, Line 13, by deleting the following: "**or (12)**" and inserting in lieu thereof the following: "**, (12) or (13)**"; and

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

On motion of Representative Patek, **House Amendment No. 7** was adopted by the following vote:

AYES: 083

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Blunt	Boatright

Boucher 48	Brooks	Champion	Chrismer	Cierpiot
Crawford	Davis 122	Dolan	Elliott	Enz
Evans	Foley	Foster	Froelker	Gaskill
Gibbons	Griesheimer	Gross	Hampton	Hanaway
Hartzler 124	Hegeman	Hendrickson	Hohulin	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kennedy
King	Kissell	Koller	Kreider	Lakin
Lawson	Liese	Loudon	Luetkenhaus	Marble
May 108	McClelland	Merideth	Monaco	Nordwald
Ostmann	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Ridgeway	Rizzo	Robirds	Ross	Sallee
Scott	Seigfreid	Shields	Skaggs	Smith
Summers	Surface	Tudor	Vogel	Williams 121
Williams 159	Wright	Mr. Speaker		

NOES: 063

Abel	Auer	Backer	Barry 100	Berkowitz
Black	Bonner	Boykins	Britt	Campbell
Clayton	Crump	Curls	Davis 63	Days
Dougherty	Farnen	Fitzwater	Ford	Franklin
Fraser	Gambaro	George	Graham 106	Gratz
Gunn	Hagan-Harrell	Hartzler 123	Hickey	Hilgemann
Hollingsworth	Legan	Levin	Linton	Lograsso
Mays 50	McBride	McKenna	McLuckie	Murphy
Murray	Myers	Naeger	O'Connor	O'Toole
Overschmidt	Parker	Reynolds	Riley	Scheve
Schilling	Schwab	Selby	Shelton	Thompson
Townley	Treadway	Van Zandt	Wagner	Ward
Wiggins	Wilson 25	Wilson 42		

PRESENT: 000

ABSENT WITH LEAVE: 015

Bray 84	Burton	Graham 24	Green	Harlan
Holand	Kelly 27	Klindt	Long	Luetkemeyer
Miller	Richardson	Secrest	Stokan	Troupe

VACANCIES: 002

HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, with HS, as amended, pending, was laid over.

HOUSE BILL WITH SENATE AMENDMENT

SS HS HCS HB 1797, relating to Insurance Identification Database Fund, was taken up by Representative Gratz.

Representative Gratz moved that the House refuse to adopt **SS HS HCS HB 1797, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HCS SS SS #3 SJR 35, as amended, relating to compensation of state elected officials, was

taken up by Representative Graham (24).

Representative Graham (24) moved that the House refuse to recede from its position on **HCS SS SS #3 SJR 35, as amended,** and grant the Senate a conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, with HS, as amended, pending, relating to gaming, was again taken up by Representative Hosmer.

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

Representative Hosmer raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 62, Section 577.700, Line 6 of said page, by inserting after all of said line the following:

"**Section 1. No municipal court in any city with a population of less than fifty thousand inhabitants shall have jurisdiction over any alcohol-related traffic offense as defined in section 590.010, RSMo, and any such offense shall be tried in the circuit court.**"; and

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

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

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

Representative Hosmer raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hartzler (124) offered **House Amendment No. 9**.

Representative Hosmer raised a point of order that **House Amendment No. 9** amends previously amended material.

The Chair ruled the point of order well taken.

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 40, Section 575.012(2), Lines 18, 19 and 23, by inserting before the word "**eluding**" (Line 18) the word: "**willfully**"; and

Further amend said bill and section by deleting the words (Line 19) "**class A misdemeanor**" and replace with the words "**class d felony**"; and

Further amend said bill and section by inserting after Line 23, the following:

"**If such person causes a death or deaths to any other persons, in which case, the offense is a class B felony**."

Representative Monaco offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

House Substitute Amendment No. 1
for
House Amendment No. 9

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 40, Section 575.012(2), Lines 18, 19 and 23, by inserting before the word "**eluding**" on Line 18, the word: "**purposely**".

On motion of Representative Monaco, **House Substitute Amendment No. 1 for House Amendment No. 9** was adopted by the following vote:

AYES: 111

Abel	Akin	Alter	Auer	Backer
Barnett	Barry 100	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Champion	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Enz	Evans
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Gibbons	Graham 24	Gratz
Griesheimer	Gunn	Hagan-Harrell	Hampton	Hanaway
Hendrickson	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kelley 47	Kennedy
Kissell	Klindt	Kreider	Liese	Linton
Long	Luetkenhaus	May 108	Mays 50	McClelland
McKenna	McLuckie	Merideth	Monaco	Murphy
Murray	Nordwald	O'Connor	O'Toole	Overschmidt
Parker	Patek	Phillips	Pouche 30	Ransdall
Reid	Reinhart	Relford	Reynolds	Riley
Rizzo	Ross	Scheve	Schilling	Schwab
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward

Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 033

Ballard	Chrismer	Crawford	Farnen	Foster
Froelker	Gaskill	Graham 106	Gross	Hartzler 123
Hartzler 124	Hegeman	Hohulin	Kelly 27	King
Legan	Levin	Loudon	Luetkemeyer	Marble
Myers	Naeger	Ostmann	Pryor	Purgason
Ridgeway	Robirds	Sallee	Scott	Secrest
Summers	Townley	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 017

Bartelsmeyer	Burton	Cierpiot	Dolan	Dougherty
Elliott	Green	Harlan	Kasten	Koller
Lakin	Lawson	Lograsso	McBride	Miller
Richardson	Stokan			

VACANCIES: 002

Representative Williams (159) assumed the Chair.

Speaker Gaw resumed the Chair.

Representative Crump moved the previous question on the motion to adopt **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended**.

Which motion was defeated by the following vote:

AYES: 078

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Hagan-Harrell
Hampton	Harlan	Hickey	Hilgemann	Hollingsworth
Hoppe	Hosmer	Kelly 27	Kennedy	Kissell
Koller	Kreider	Lakin	Lawson	Liese
Luetkenhaus	May 108	Mays 50	McKenna	McLuckie
Merideth	Monaco	Murray	O'Toole	Overschmidt
Parker	Ransdall	Relford	Reynolds	Riley
Rizzo	Scheve	Schilling	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Mr. Speaker		

NOES: 076

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Berkstresser	Black	Blunt
Boatright	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Gunn	Hanaway	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hohulin	Holand	Howerton
Kasten	Kelley 47	King	Klindt	Legan
Levin	Linton	Lograsso	Long	Loudon

Luetkemeyer	Marble	McClelland	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Townley	Troupe	Tudor	Vogel
Wright				

PRESENT: 002

O'Connor Wilson 42

ABSENT WITH LEAVE: 005

Burton Green McBride Miller Stokan

VACANCIES: 002

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

Representative Hosmer raised a point of order that **House Amendment No. 10** is not germane to the bill.

The Chair ruled the point of order well taken.

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

Representative Hosmer raised a point of order that **House Amendment No. 10** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 13, Section 302.302, Line 1 of said page, by inserting immediately after the word "weight" the following:

"**or driving with a blood alcohol content of fifteen-hundredths of one percent or more by weight**"; and

Further amend said bill, Page 13, Section 302.302, Line 4 of said page, by inserting immediately after the word "weight" the following:

"**or driving with a blood alcohol content of fifteen-hundredths of one percent or more by weight**"; and

Further amend said bill, Page 33, Section 302.520, Line 23 of said page, by inserting after all of said line the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be

stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol related enforcement contacts during the immediately preceding five years.

3. For purposes of this section, "alcohol related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 [or]**,** 577.012 **or 577.014**, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol related traffic offense, both the suspension or revocation under this section and any other suspension or revocation under this chapter shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation imposed under this chapter, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods."; and

Further amend said bill, Page 43, Section 577.012, Line 9 of said page, by inserting after all of said line the following:

"**577.014. 1. A person commits the crime of "driving with extreme blood alcohol content" if such person operates a motor vehicle in this state with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood.**

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For purposes of determining the alcoholic content of a person's blood pursuant to this section, the test shall be conducted pursuant to the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with extreme blood alcohol content is a class A misdemeanor."; and

Further amend said bill, Page 43, Section 577.021, Line 13 of said page, by deleting the word "**or**" and inserting in lieu thereof the word "**[**or**],**"; and

Further amend said bill, Page 43, Section 577.021, Line 14 of said page, by inserting immediately after the number "**577.012**" the following: "**or 577.014**"; and

Further amend said bill, Page 43, Section 577.023, Line 24 of said page, by inserting immediately after the word "**content,**" the following: "**driving with extreme blood alcohol content,**"; and

Further amend said bill, Page 45, Section 577.023, Line 20 of said page, by inserting immediately after the word "**felony**." the following:

"**Any person who pleads guilty to or is found guilty of a violation of section 577.014 who is alleged and proved to be a prior offender is guilty of a class D felony.**"; and

Further amend said bill, Page 45, Section 577.023, Line 24 of said page, by inserting immediately after the word "felony." the following:

"**Any person who pleads guilty to or is found guilty of a violation of section 577.014 who is alleged and proved to be a persistent offender is guilty of a class C felony.**"; and

Further amend said bill, Page 49, Section 577.037, Line 9 of said page, by deleting "**or 577.012**" and inserting in lieu thereof the following: "**[**or**],** 577.012 **or 577.014**"; and

Further amend said bill, Page 50, Section 577.037, Lines 13 to 14 of said page, by deleting "**or 577.012**" and inserting in lieu thereof the following: "**[**or**],** 577.012 **or 577.014**"; and

Further amend said bill, Page 51, Section 577.037, Line 9 of said page, by inserting after all of said line the following:

"577.039. An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 [or]**,** 577.012 **or 577.014** is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer and when such arrest without warrant is made within one and one-half hours after such claimed violation occurred, unless the person to be arrested has left the scene of an accident or has been removed from the scene to receive medical treatment, in which case such arrest without warrant may be made more than one and one-half hours after such violation occurred."; and

Further amend said bill, Page 51, Section 577.041, Line 16 of said page, by deleting "**or 577.012**" and inserting in lieu thereof the following: "[or]**,** 577.012 **or 577.014**"; and

Further amend said bill, Page 57, Section 577.041, Line 13 of said page, by inserting after all of said line the following:

"577.048. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 [or]**,** 577.012 **or 577.014** or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the state or local law enforcement agency which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made [under] **pursuant to** this chapter to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The state and each local law enforcement agency may establish a schedule of such costs; however, the court may order the costs reduced if it determines that the costs are excessive.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 [or]**,** 577.012 **or 577.014** or violations of county or municipal ordinances involving alcohol or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001.

2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

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

On motion of Representative Froelker, **House Amendment No. 10** was adopted by the

following vote:

AYES: 127

Abel	Akin	Alter	Backer	Ballard
Barnett	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Boucher 48
Bray 84	Britt	Campbell	Champion	Chrismer
Cierpiot	Crawford	Curls	Davis 122	Dougherty
Elliott	Enz	Evans	Farnen	Fitzwater
Foley	Ford	Foster	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Gibbons
Graham 106	Graham 24	Gratz	Griesheimer	Gross
Hampton	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Legan	Levin
Liese	Lograsso	Long	Loudon	Luetkemeyer
Luetkenhaus	Marble	May 108	Mays 50	McClelland
McKenna	Merideth	Monaco	Murphy	Murray
Myers	Nordwald	O'Connor	O'Toole	Ostmann
Parker	Patek	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reid	Reinhart	Relford
Richardson	Ridgeway	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Selby	Shelton	Shields	Smith
Summers	Surface	Thompson	Tudor	Van Zandt
Vogel	Wagner	Wiggins	Williams 121	Williams 159
Wright	Mr. Speaker			

NOES: 020

Barry 100	Bonner	Boykins	Brooks	Clayton
Crump	Davis 63	Days	Gunn	Kelly 27
Lawson	McLuckie	Overschmidt	Reynolds	Riley
Seigfreid	Skaggs	Troupe	Wilson 25	Wilson 42

PRESENT: 000

ABSENT WITH LEAVE: 014

Auer	Burton	Dolan	Green	Hagan-Harrell
Harlan	Linton	McBride	Miller	Naeger
Stokan	Townley	Treadway	Ward	

VACANCIES: 002

HCS SS SS #2 SCS SBs 934, 546, 578, 579 & 782, with HS, as amended, pending, was laid over.

HOUSE BILL WITH SENATE AMENDMENT

SS SCS HS HCS HBs 1566 & 1810, as amended, relating to small business tax credits, was taken up by Representative Bray.

Representative Bray moved that the House refuse to adopt **SS SCS HS HCS HBs 1566 & 1810, as amended,** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

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 the following Conference Committee to act with a like committee from the House on **HCS SS SS#3 SJR 35**: Senators Goode, Schneider, Mathewson, Ehlmann and Flotron.

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 **SJR 50**, and has taken up and passed **SJR 50**.

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 **HS HCS SS SB 902, as amended**: Senators Mathewson, DePasco, Stoll, Rohrbach and Ehlmann.

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 **HCS SB 922, as amended**: Senators Scott, Johnson, Goode, Klarich and Yeckel.

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 HS HCS HB 1797, 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 Senate refuses to adopt the **CCR** on **HS HCS SB 856, as amended,** and requests the House grant the Senate further 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 **HS HCS SB 896, as amended**, and has taken up and passed **CCS HS HCS SB 896**.

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 the Conference Committee Report on **HS SB 1053, as amended**, and has taken up and passed **CCS HS SB 1053**.

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 HS HCS HB 1797, as amended**: Senators Goode, Quick, Howard, Flotron and Westfall.

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 SCS HS HCS HBs 1566 & 1810, as amended,** and grants the House a conference thereon.

The President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House: Senators Scott, Goode, Quick, Klarich and Singleton.

THIRD READING OF SENATE BILL

HCS SS SS #2 SCS SBs 934, 546, 578, 579 & 782, with HS, as amended, pending, relating to intoxicated-related offenses, was again taken up by Representative Hosmer.

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

House Amendment No. 11 was withdrawn.

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

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 43, Section 577.010, Line 9, by inserting the following at the end of said section:

"577.017. 1. No person shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] **or possess an open alcoholic beverage container in the passenger area of the motor vehicle in any motor vehicle operated on a public highway or the right-of-way of a public highway**.

2. Any person found guilty of violating the provisions of this section is guilty of class c misdeamenor.

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. The provisions of this section shall not apply to passengers who are occupying a chartered tour bus or a recreational motor vehicle, or to possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk."; and

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

HCS SS SS #2 SCS SBs 934, 546, 578, 579 & 782, with House Amendment No. 11 and HS, as amended, pending, was laid over.

BILL CARRYING REQUEST MESSAGE

HS HCS SB 856, as amended, relating to managed care, was taken up by Representative

Harlan.

Representative Harlan moved that the House grant the Senate a further conference.

Which motion was adopted.

THIRD READING OF SENATE BILL

HCS SS SS #2 SCS SBs 934, 546, 578, 579 & 782, with House Amendment No. 11 and HS, as amended, pending, relating to intoxicated-related offenses, was again taken up by Representative Hosmer.

Representative Evans offered **House Substitute Amendment No. 1 for House Amendment No. 11**.

House Substitute Amendment No. 1
for
House Amendment No. 11

AMEND House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill Nos. 934, 546, 578, 579 & 782, Page 43, Section 577.010, Line 9, by inserting the following at the end of said section:

"577.017. 1. No person shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo.] **or possess an open alcoholic beverage container in the passenger area of the motor vehicle in any motor vehicle operated on a public highway or the right-of-way of a public highway**.

2. Any person found guilty of violating the provisions of this section is guilty of a class c misdemeanor.

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. This section shall not apply to passengers who are occupying a chartered vehicle, tour bus, or a recreational motor vehicle, or to possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk."; and

Further amend said the title and enacting clause accordingly.

Representative Evans moved that **House Substitute Amendment No. 1 for House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 034

Akin	Ballard	Barnett	Bartle	Champion
Clayton	Evans	Foster	Gaskill	Gibbons
Hegeman	Kelley 47	King	Klindt	Legan
Levin	Linton	Lograsso	Loudon	Luetkemeyer
Marble	Naeger	Nordwald	Phillips	Pouche 30
Pryor	Purgason	Reinhart	Robirds	Sallee
Scott	Secrest	Shields	Summers	

NOES: 106

Alter	Auer	Backer	Barry 100	Bartelsmeyer
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Boykins	Britt
Brooks	Campbell	Chrismer	Cierpiot	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Enz	Farnen	Fitzwater	Foley
Ford	Fraser	Froelker	Gambaro	George
Graham 106	Graham 24	Gratz	Griesheimer	Gross
Gunn	Hagan-Harrell	Hampton	Hanaway	Hartzler 123
Hartzler 124	Hendrickson	Hickey	Hilgemann	Hohulin
Hollingsworth	Hoppe	Hosmer	Howerton	Kelly 27
Kennedy	Kissell	Kreider	Lakin	Lawson
Liese	Luetkenhaus	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Monaco
Murray	Myers	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Ransdall	Reid
Relford	Reynolds	Ridgeway	Riley	Rizzo
Ross	Scheve	Schilling	Schwab	Selby
Shelton	Smith	Surface	Thompson	Troupe
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 021

Abel	Bray 84	Burton	Dougherty	Elliott
Franklin	Green	Harlan	Holand	Kasten
Koller	Long	Miller	Murphy	Richardson
Seigfreid	Skaggs	Stokan	Townley	Treadway
Tudor				

VACANCIES: 002

On motion of Representative Pryor, **House Amendment No. 11** was adopted by the following vote:

AYES: 083

Akin	Alter	Backer	Ballard	Barnett
Bartelsmeyer	Bartle	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher 48	Campbell	Champion
Chrismer	Cierpiot	Crawford	Davis 122	Elliott
Enz	Foley	Foster	Franklin	Froelker
Gaskill	Gibbons	Graham 106	Gross	Hanaway
Hartzler 124	Hegeman	Hohulin	Holand	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	King
Klindt	Lakin	Legan	Levin	Linton
Lograsso	Luetkemeyer	Marble	May 108	Mays 50
McClelland	McLuckie	Monaco	Murphy	Myers
Nordwald	Ostmann	Phillips	Pouche 30	Pryor
Purgason	Ransdall	Reinhart	Richardson	Ridgeway
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Scott	Secrest	Shields	Skaggs
Smith	Summers	Tudor	Van Zandt	Williams 121
Williams 159	Wright	Mr. Speaker		

NOES: 066

Abel	Auer	Barry 100	Bennett	Berkowitz
Boykins	Britt	Brooks	Clayton	Crump
Curls	Davis 63	Days	Dolan	Dougherty
Evans	Farnen	Fitzwater	Ford	Fraser
Gambaro	George	Graham 24	Gratz	Griesheimer
Gunn	Hagan-Harrell	Hampton	Hartzler 123	Hendrickson
Hickey	Hilgemann	Hollingsworth	Kelly 27	Kennedy

Kissell	Koller	Kreider	Lawson	Loudon
Luetkenhaus	McBride	McKenna	Merideth	Naeger
O'Connor	O'Toole	Overschmidt	Parker	Patek
Reid	Relford	Reynolds	Riley	Schwab
Seigfreid	Selby	Thompson	Treadway	Troupe
Vogel	Wagner	Ward	Wiggins	Wilson 25
Wilson 42				

PRESENT: 000

ABSENT WITH LEAVE: 012

Bray 84	Burton	Green	Harlan	Liese
Long	Miller	Murray	Shelton	Stokan
Surface	Townley			

VACANCIES: 002

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

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for Senate Substitute #2 for Senate Bill No. 934, 546, 578, 579 & 782, Page 62, Section 577.700, Line 6, by inserting after said line the following:

"**Section 1. The provisions within this act shall not become effective until after a court a competent jurisdiction has adjudicated the legality and constitutionality of the Transportation Equity Act of the 21st Century (TEA-21) as it applies to the state of Missouri.**"; and

Further amend the title and enacting clause accordingly.

Representative Bennett moved that **House Amendment No. 12** be adopted.

Which motion was defeated.

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

Representative Hosmer raised a point of order that **House Amendment No. 13** not germane to the bill.

The Chair ruled the point of order well taken.

Representative Kelley (47) offered **House Amendment No. 13**.

Representative Gambaro raised a point of order that **House Amendment No. 13** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative O'Toole offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for Senate Substitute #2 for Senate Bill No. 934, 546, 578, 579 & 782, Page 62, Section 577.700, Line 6, by inserting at the end of said section the following:

"**Section 1. All cities and municipalities with populations over 10,000 shall provide a sober chauffeur program for impaired drivers from 6:00 P.M. and 4:00 A.M. daily.**"; and

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

Representative O'Toole moved that **House Amendment No. 13** be adopted.

Which motion was defeated.

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

Representative Hosmer raised a point of order that **House Amendment No. 14** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative O'Connor offered **House Amendment No. 14**.

Representative Hosmer raised a point of order that **House Amendment No. 14** is not germane to the bill.

The Chair ruled the point of order well taken.

On motion of Representative Hosmer, **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended,** was adopted.

Representative Naeger moved that **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended**, be referred to Committee on Fiscal Review.

Which motion was defeated by the following vote:

AYES: 046

Clayton	Crump	Davis 63	Evans	Farnen
George	Gibbons	Graham 24	Griesheimer	Gross
Gunn	Hampton	Hegeman	Hendrickson	Hickey
Hohulin	Howerton	Kasten	Kelly 27	Kennedy
Klindt	Liese	Lograsso	Loudon	McBride
McKenna	Murray	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Pouche 30	Purgason
Reynolds	Ridgeway	Schwab	Seigfreid	Shields
Thompson	Treadway	Troupe	Vogel	Wagner
Wright				

NOES: 096

Akin	Alter	Auer	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Britt	Brooks	Campbell

Champion	Chrismer	Cierpiot	Crawford	Curls
Davis 122	Days	Enz	Fitzwater	Foley
Ford	Foster	Franklin	Fraser	Froelker
Gambaro	Gaskill	Graham 106	Hagan-Harrell	Hanaway
Hartzler 123	Hartzler 124	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Kelley 47	King	Kissell
Koller	Kreider	Lakin	Legan	Levin
Luetkemeyer	Luetkenhaus	May 108	Mays 50	McClelland
McLuckie	Merideth	Murphy	Myers	Parker
Patek	Phillips	Pryor	Ransdall	Reid
Reinhart	Relford	Richardson	Riley	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Secrest	Selby	Shelton	Skaggs	Smith
Summers	Surface	Tudor	Van Zandt	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 019

Abel	Ballard	Bray 84	Burton	Dolan
Dougherty	Elliott	Gratz	Green	Harlan
Lawson	Linton	Long	Marble	Miller
Monaco	Scott	Stokan	Townley	

VACANCIES: 002

On motion of Representative Hosmer, **HS HCS SS #2 SCS SBs 934, 546, 578, 579 & 782, as amended,** was read the third time and passed by the following vote:

AYES: 097

Abel	Akin	Alter	Backer	Barnett
Barry 100	Bartelsmeyer	Bartle	Bennett	Berkowitz
Berkstresser	Black	Blunt	Boatright	Bonner
Boucher 48	Britt	Campbell	Champion	Chrismer
Cierpiot	Crawford	Davis 122	Dolan	Dougherty
Enz	Fitzwater	Foley	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	Graham 106
Hagan-Harrell	Hampton	Hanaway	Hartzler 123	Hartzler 124
Hendrickson	Hilgemann	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	King	Kissell
Koller	Kreider	Lakin	Legan	Levin
Luetkemeyer	Luetkenhaus	Marble	May 108	McLuckie
Merideth	Murphy	Myers	Nordwald	Parker
Patek	Phillips	Pouche 30	Pryor	Purgason
Ransdall	Reid	Reinhart	Relford	Rizzo
Robirds	Ross	Sallee	Scheve	Schilling
Scott	Seigfreid	Selby	Shelton	Skaggs
Smith	Summers	Surface	Tudor	Van Zandt
Ward	Wiggins	Williams 121	Williams 159	Wilson 42
Wright	Mr. Speaker			

NOES: 048

Auer	Boykins	Brooks	Clayton	Crump
Curls	Davis 63	Days	Evans	Farnen
Ford	George	Graham 24	Gratz	Griesheimer
Gross	Gunn	Hegeman	Hickey	Hohulin
Kelly 27	Kennedy	Klindt	Lawson	Liese
Lograsso	Loudon	Mays 50	McBride	McKenna
Murray	Naeger	O'Connor	O'Toole	Ostmann
Overschmidt	Reynolds	Ridgeway	Riley	Schwab
Secrest	Shields	Thompson	Treadway	Troupe
Vogel	Wagner	Wilson 25		

PRESENT: 000

ABSENT WITH LEAVE: 016

Ballard	Bray 84	Burton	Elliott	Gibbons
Green	Harlan	Kelley 47	Linton	Long
McClelland	Miller	Monaco	Richardson	Stokan
Townley				

VACANCIES: 002

Speaker Gaw declared the bill passed.

On motion of Representative Gambaro, title to the bill was agreed to.

Representative May (108) moved that the vote by which the bill passed be reconsidered.

Representative Van Zandt moved that motion lay on the table.

The latter motion prevailed.

HCS SS SCS SBs 678 & 742, as amended, with House Amendment No. 43, pending, relating to judicial and administrative procedure, was taken up by Representative May (108).

House Amendment No. 43 was withdrawn.

Representative Smith offered **House Amendment No. 43**.

House Amendment No. 43

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 40, Section 565.030, Line 62, by inserting after all of said line the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under [seventeen] **eighteen** years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state [who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection] **and has been or is required to register in another state or has been or is required to register under federal or military law; or**

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-

time basis in Missouri. Part-time in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 applies shall, within ten days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 to 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

589.410. **1.** The chief law enforcement official shall forward the completed offender registration form to the [central repository] within [ten] **three** days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

2. The department of public safety shall develop and maintain a system for making the registry of persons who have pled guilty to or been convicted of a third or subsequent sexual offense requiring registration, and have demonstrated predatory behavior, available on its Internet web site. Notwithstanding the provisions of section 589.417 to the contrary, the information to be available on the Internet shall include the person's name; date of birth; address of residence; crime which requires registration; whether such person was sentenced as a predatory or persistent sexual offender pursuant to section 558.018, RSMo, date, place and brief description of such crime; of such conviction or plea regarding such crime; age and gender of the victim at the time of the offense; photograph, and such other information as the department of public safety may determine is necessary to preserve public safety. The system shall be secure and not capable of being altered except by or through the department of public safety.

3. The information shall be removed from the Internet after twenty years unless the offender has pled guilty to or been found guilty of a sexual offense pursuant to chapter 566, RSMo, during such time period.

589.414. 1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as such person's previous address, the person shall inform the chief law enforcement official in writing within ten days of such new address and phone number, if the phone number is also changed.

2. If any person required by [section] **sections** 589.400 to 589.425 to register changes such person's residence or address to a different county, the person shall **appear in person and shall** inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county having jurisdiction over the new residence or address in writing within ten days, of such new address and phone number, if the phone number is also changed. **If any person required by sections 589.400 to 589.425 to register changes their state of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state having jurisdiction over the new residence or address within ten days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county where the person was previously registered shall promptly inform the Missouri state highway patrol of the change. When the registrant is changing the residence to a new state, the Missouri state highway patrol shall promptly inform the responsible official in the new state of residence.**

3. Any person required by sections 589.400 to 589.425 to register who officially changes such person's name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall [contact] **report in person to** the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent sexual offender **as defined in section 558.018, RSMo**;

(2) Any offender who is registered for a crime where the victim was less than eighteen years of age at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

5. In addition to the requirements of subsections 1 and 2 of this section, all registrants shall report annually in person in the month of their birth to the county law enforcement agency to verify the information

contained in their statement made pursuant to section 589.407.

6. In addition to the requirements of subsections 1 and 2 of this section, all Missouri registrants who work or attend school or training on a full-time or part-time basis in any other state shall be required to report in person to the chief law enforcement officer in the area of the state where they work or attend school or training and register in that state. "Part-time in this subsection means for more than fourteen days in any twelve-month period.

589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and[:

(1) Includes any false information in such person's registration statement; or

(2) Fails to register; or

(3) Fails to timely verify registration information pursuant to section 589.414;] **does not meet all requirements of sections 589.400 to 589.425** is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with [section 514.015] **sections 488.010 to 488.020**, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected [under] **pursuant to** subsection 1 of this section shall be **devoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system, which may include Internet capabilities, is established pursuant to subsection 3 of section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be** subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100;

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be

collected and disbursed as provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor [under] **pursuant to** the following Missouri laws:

(1) Chapter 195, RSMo, relating to drug regulations;

(2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(3) Chapter 491, RSMo, relating to witnesses;

(4) Chapter 565, RSMo, relating to offenses against the person;

(5) Chapter 566, RSMo, relating to sexual offenses;

(6) Chapter 567, RSMo, relating to prostitution;

(7) Chapter 568, RSMo, relating to offenses against the family;

(8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

(9) Chapter 570, RSMo, relating to stealing and related offenses;

(10) Chapter 571, RSMo, relating to weapons offenses;

(11) Chapter 572, RSMo, relating to gambling;

(12) Chapter 573, RSMo, relating to pornography and related offenses;

(13) Chapter 574, RSMo, relating to offenses against public order;

(14) Chapter 575, RSMo, relating to offenses against the administration of justice;

(15) Chapter 577, RSMo, relating to public safety offenses. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by [section 514.015] **sections 488.010 to 488.020**, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims'

compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and] 9 **and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to [section 514.015] **sections 488.010 to 488.020**, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims [under] **pursuant to** sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 43, Section 621.198, Line 21, by inserting after all of said line the following:

"**650.300. As used in sections 650.300 to 650.310, the following terms shall mean:**

(1) "Catastrophic crime", a violation of section 569.070, RSMo;

(2) "Office", the office for victims of crime;

(3) "Private agency", a private agency as defined in section 590.010, RSMo;

(4) "Public agency", a public agency as defined in section 590.010, RSMo;

(5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The "Office for Victims of Crime" is hereby created within the department of public safety for the purpose of promoting the fair and just treatment of victims of crime, including victims of computer crimes. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies regarding their interrelation in the provision of victim services and other issues related to victims of crime. The office may directly assist victims of crime in seeking services and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and

the Missouri Constitution. In the event of a catastrophic crime, the office shall develop and coordinate the implementation of a response plan to meet the needs of any resulting victims of crime.

2. The department of corrections shall cooperate with the office for victims of crime in the establishment of a system to reimburse victims of crime for attending parole hearings. The office may reimburse a person for the costs of mileage and lost wages incurred by attendance at a parole hearing arising from a crime directly responsible for such person's status as a victim of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation, and maintenance of any such system. When the fiscal resources are available, the system may include Internet computer capabilities.

4. The department of public safety may promulgate reasonable rules to meet the objectives of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

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

On motion of Representative Smith, **House Amendment No. 43** was adopted.

Representative Scheve offered **House Amendment No. 44**.

Representative Hanaway raised a point of order that **House Amendment No. 44** is dilatory.

Representative Patek raised an additional point of order that **House Amendment No. 44** amends previously amended material.

The Chair ruled the second point of order well taken.

Representative Parker offered **House Amendment No. 44**.

House Amendment No. 44

AMEND House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 44, by inserting after said page the following:

"**374.695. Sections 374.695 to 374.775 may be known and shall be cited as the "Professional Bail Bondsman Licensing Act".**

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Department", the department of insurance of the state of Missouri;

(3) "Director", the director of the department of insurance;

(4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders

or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:

(1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;

(2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;

(3) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(4) "Department", the department of insurance of the state of Missouri;

(5) "General bail bond agent", a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;

(6) "Insurer", any surety insurance company which is qualified by the department to transact surety business in Missouri;

(7) "Licensee", a bail bond agent or a general bail bond agent;

(8) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(9) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;

(10) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor;

(11) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.

2. No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.

3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least one year prior to owning or being an officer of a licensed general bail bond agent.

4. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who is convicted of a provision of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply

on forms furnished by the department.

2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.

4. No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused by the applicant.

374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri **in the same amount:**

(a) If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;

(b) If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;

(c) If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;

(d) If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;

(e) If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;

(f) If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;

(g) If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars.

[, which] **The** assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

374.717. No insurer or licensee, court or law enforcement officer shall:

(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:

(a) A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or

(b) Any public official or public employee;

(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;

(4) Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred

associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude**;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations**;

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;

(11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.

374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general

bail bond agent or surety recovery agent.

2. The director or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

(1) "Department", the department of insurance of the state of Missouri;

(2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a fugitive who has violated a bail bond agreement;

(3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

(1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and

(2) Determine the sufficiency of the qualifications of applicants for licensure.

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:

(1) The following areas of the law:

(a) Constitutional law;

(b) Procedures for arresting defendants and surrendering defendants into custody;

(c) Civil liability;

(d) The civil rights of persons who are detained in custody; and

(e) The use of force;

(2) Procedures for field operations, including, without limitation:

(a) Safety and survival techniques;

(b) Searching buildings;

(c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and

(d) The care and custody of prisoners;

(3) The skills required regarding:

(a) Writing reports, completing forms and procedures for exoneration;

(b) Methods of arrest;

(c) Nonlethal weapons;

(d) The retention of weapons;

(e) Qualifications for the use of firearms;

(f) Defensive tactics; and

(g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;

(4) The following subjects:

(a) Demeanor in a courtroom;

(b) First aid used in emergencies; and

(c) Cardiopulmonary resuscitation.

3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or

regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court, a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

(1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;

(2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

(1) Holds himself or herself out to be a licensed surety recovery agent within this state;

(2) Claims that he or she can render surety recovery agent services; or

(3) Engages in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.

590.132. No person shall be commissioned or employed as a peace officer unless he is a resident of Missouri.

650.350. As used in sections 650.350 to 650.384, the following terms mean:

(1) "Board", the board of private investigator examiners established in section 650.352;

(2) "Client", any person who engages the services of a private investigator;

(3) "Department", the department of public safety;

(4) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;

(5) "Organization", a corporation, trust, estate, partnership, cooperative or association;

(6) "Person", an individual or organization;

(7) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;

(8) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;

(9) "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information with reference to:

(a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person or for service of process while carrying a firearm;

(c) The location, disposition or recovery of lost or stolen property;

(d) The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property; or

(e) Securing evidence to be used before any court, board, officer or investigating committee.

650.352. 1. The "Board of Private Investigator Examiners" is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued.

2. The board shall be composed of six members appointed by the governor with the advice and consent of the senate. One member of the board shall be a licensed attorney, and one member shall be a public member. Each member of the board shall be a citizen of the United States, a resident of Missouri, at least thirty years of age and, except for the attorney and the public member appointed, shall have been actively engaged in the private investigator business for the previous five years. No more than one board member may be employed by, or affiliated with, the same private investigator agency. The initial board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after appointment to the board.

3. The members shall be appointed for terms of four years, except those first appointed, in which case two members, who shall be private investigators, shall be appointed for terms of four years, two members shall be appointed for terms of three years and two members shall be appointed for a one-year term. Any vacancy on the board shall be filled for the unexpired term of the member and in the manner as the first appointment.

4. The members of the board shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in performing their official duties on the board.

650.354. Unless expressly exempted from the provisions of sections 650.350 to 650.384:

(1) It shall be unlawful for any person to engage in the private investigator business in this state unless such person is licensed as a private investigator pursuant to sections 650.350 to 650.384;

(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed pursuant to sections 650.350 to 650.384.

650.356. The following persons shall not be deemed to be engaging in the private investigator business:

(1) A person employed exclusively and regularly by one employer in connection only with the internal affairs of such employer and where there exists an employer-employee relationship;

(2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons;

(4) An attorney performing duties as an attorney;

(5) A collection agency or its employee while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

(6) Insurers, agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(8) An insurance adjuster; for the purposes of sections 650.350 to 650.384, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;

(9) An unarmed process server only after having been specially appointed by a court and only when investigating for the purpose of identifying the location of a subject for service of process; or

(10) Any investigator employed by and under the supervision of a licensed attorney while acting within the scope of employment, or who does not represent himself to be a licensed private investigator.

650.358. 1. Every person desiring to be licensed in Missouri as a private investigator or private investigator agency shall make application therefor to the board of private investigator examiners. An application for a license pursuant to the provisions of sections 650.350 to 650.384 shall be on a form prescribed by the board of private investigator examiners and accompanied by the required application fee. An application

shall be verified and shall include:

(1) The full name and business address of the applicant;

(2) The name under which the applicant intends to do business;

(3) A statement as to the general nature of the business in which the applicant intends to engage;

(4) A statement as to the classification or classifications under which the applicant desires to be qualified;

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints;

(6) A verified statement of the applicant's experience qualifications; and

(7) Such other information, evidence, statements or documents as may be required by the board of private investigator examiners.

2. Before an application for a license may be granted, the applicant shall:

(1) Be at least twenty-one years of age;

(2) Be a citizen of the United States;

(3) Not have a felony conviction or misdemeanor involving theft or drugs;

(4) Provide proof of insurance with amount to be no less than one million in coverage for liability and proof of workers' compensation insurance as required in chapter 287, RSMo. The board shall have the authority to raise the requirements as deemed necessary; and

(5) Comply with such other qualifications as the board adopts by rules and regulations.

650.360. 1. The board of private investigator examiners may require as a condition of licensure as a private investigator that the applicant:

(1) Successfully complete a course of training conducted by a trainer certified pursuant to section 650.382;

(2) Pass a written examination as evidence of knowledge of investigator business; and

(3) Submit to an oral interview with the board.

2. The board shall conduct a complete investigation of the background of each applicant for licensure as a private investigator to determine whether the applicant is qualified for licensure pursuant to sections 650.350 to 650.384. The board will outline basic qualification requirements for licensing as a private investigator and agency. The board will waive testing requirements and issue a license to existing persons and agencies who make application by January 1, 2002, and meet the requirements of subsection 3 of this section.

3. In the event requirements have been met so that testing has been waived, qualification is dependent on a showing of for the two previous years:

(1) Verifiable levels of revenue;

(2) Registration and good standing as a business in the state of Missouri; and

(3) One quarter million dollars in business general liability insurance.

4. The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure substantially the same as or stricter than that required by this state and shall meet this state's minimum insurance requirements.

650.362. The board of private investigator examiners may deny a request for a license if the applicant has:

(1) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license pursuant to the provisions of sections 650.350 to 650.384;

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

(3) Been refused a license pursuant to the provisions of sections 650.350 to 650.384 or had a license revoked in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 650.350 to 650.384; or

(5) Knowingly made any false statement in the application.

650.364. 1. Every application submitted pursuant to the provisions of sections 650.350 to 650.384 shall be accompanied by a fee as determined by the board as follows:

(1) For an individual license, agency license and employees being licensed to work under an agency license; or

(2) If a license is issued for a period of less than two years, the fee shall be prorated for the months, or

fraction thereof, for which the license is issued.

2. A private investigator license shall allow only the individual licensed by the state to conduct investigations. An agency license shall be applied for separately and held by an individual who is licensed as a private investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon the agency submitting their applications. Employees shall attend a certified training program within a time frame to be determined by the board.

650.365. 1. All fees required pursuant to sections 650.350 to 650.384 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Board of Private Investigator Examiners Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation to the board for the preceding fiscal year. The amount, if any, in the fund that shall lapse is the amount in the fund that exceeds the appropriate multiple of the appropriations to the board for the preceding fiscal year.

3. The board shall set fees, as authorized by sections 650.350 to 650.384 at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 650.350 to 650.384.

4. The fees prescribed by sections 650.350 to 650.384 shall be exclusive and notwithstanding any other provision of law, no municipality may require any person licensed pursuant to sections 650.350 to 650.384 to furnish any bond, pass any examination or pay any license fee or occupations tax relative to practicing the person's profession.

650.366. 1. The board of private investigator examiners shall determine the form of the license which shall include the:

(1) Name of the licensee;

(2) Name under which the licensee is to operate; and

(3) Number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design and content as determined by the board shall be issued to each licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions of sections 650.350 to 650.384. When any person to whom a card is issued terminates such person's position, office or association with the licensee, the card shall be surrendered to the licensee and, within five days thereafter, shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board thereof. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

650.368. 1. Any license issued pursuant to sections 650.350 to 650.384 shall expire two years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:

(1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;

(2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and

(3) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee, and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 650.350 to 650.384. A person receiving an agency license shall directly manage the agency and employees.

3. A license issued pursuant to the provisions of sections 650.350 to 650.384 shall not be assignable.

650.370. 1. Any licensee may divulge to the board, any law enforcement officer or prosecuting attorney, or such person's representative, any information such person may acquire as to any criminal offense, or instruct his or her client to do so if the client is the victim but such person shall not divulge to any other person, except

as he or she may be required by law to do, any information acquired by such person at the direction of the employer or client for whom the information was obtained.

2. No licensee or officer, director, partner, associate or employee thereof shall:

(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;

(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) Use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government or any political subdivision of a state government;

(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien or any other lien; or

(5) Manufacture false evidence.

650.372. Each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the licensee's principal place of business including the name and number of the street. The board may require the filing of other information for the purpose of identifying such principal place of business.

650.374. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and an address as they appear in the records of the board of private investigator examiners. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received a branch office certificate for such location after compliance with the provisions of sections 650.350 to 650.384 and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office.

650.376. 1. The board of private investigator examiners may deny a request for a license, or may suspend or revoke a license issued pursuant to sections 650.350 to 650.384 or censure or place a licensee on probation if, after notice and opportunity for hearing in accordance with the provisions of chapter 621, RSMo, the board determines that the licensee has:

(1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) Violated any provision of sections 650.350 to 650.384;

(3) Violated any rule of the board of private investigator examiners adopted pursuant to the authority contained in sections 650.350 to 650.384;

(4) Has been convicted of a felony or misdemeanor involving theft or drugs;

(5) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

(6) Committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(7) Knowingly violated, or advised, encouraged or assisted the violation of, any court order or injunction in the course of business as a licensee;

(8) Used any letterhead, advertisement or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state or any political subdivision thereof;

(9) Used a name different from that under which such person is currently licensed in any advertisement, solicitation or contract for business; or

(10) Committed any act which is grounds for denial of an application for a license pursuant to the provisions of section 620.1818.

2. After the filing of a complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 1 of this section, for disciplinary action are met, the board may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend,

for a period not to exceed three years, or revoke the license.

3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

4. The agency may continue under the direction of another employee if the individual holding the license is suspended or revoked as approved by the board. The board shall establish a time frame in which the agency shall identify an acceptable person who is qualified to assume control of the agency, as required by the board.

650.378. 1. Each private investigator or investigator agency operating pursuant to the provisions of sections 650.350 to 650.384 shall be required to keep a complete record of the business transactions of such investigator or investigator agency and upon the order of the board shall give free and full opportunity to inspect the same and to inspect reports made; but any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall appoint another state agency to act as gatherers of information and facts to present to the board regarding any complaint or inspection they are looking into. The board may hire a private agency as long as the agency is conducting an audit and is not an investigative agency or affiliated in any way with a company that provides investigative services.

2. For the purpose of enforcing the provisions of sections 650.350 to 650.384, and in making investigations relating to any violation thereof or to the character, competency and integrity of the applicants or licensees hereunder, and for the purpose of investigating the business, business practices and business methods of any applicant or licensee, or of the officers, directors, partners or associates thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records or papers which the board deems relevant to the inquiry. The board also may administer an oath to and take the testimony of any person, or cause such person's deposition to be taken, except that any applicant or licensee or officer, director, partner or associate thereof shall not be entitled to any fees or mileage. A subpoena issued pursuant to this section shall be governed by the rules of civil procedure. Any person duly subpoenaed, who fails to obey such subpoena without reasonable cause or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's or licensee's business, business practices and methods or such violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any investigative proceeding shall be under oath, and willful false swearing in any such proceeding shall be perjury.

650.380. 1. The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 650.350 to 650.384.

2. 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 section 650.350 to 650.384 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, 2000, shall be invalid and void.

3. The department of public safety shall establish guidelines to permit a private investigator to carry a concealed firearm, not to be greater than the firearm training imposed on a P.O.S.T. commissioned officer of a county of the first classification. Any private investigator holding a valid firearm permit issued by any city not within a county or any city with a population of at least four hundred thousand inhabitants will be exempt from the requirements of this subsection.

650.382. 1. The board of private investigator examiners shall certify persons who are qualified to train private investigators.

2. In order to be certified as a trainer pursuant to this section, a trainer shall:

(1) Be twenty-one or more years of age;

(2) Have a minimum of one-year supervisory experience with a private investigator agency; and

(3) Be personally licensed and qualified to train private investigators.

3. Persons wishing to become certified trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

4. A certificate shall be granted to a trainer if the board finds that the applicant:

(1) Meets the requirements of subsection 2 of this section;

(2) Has no felony convictions or misdemeanor involving theft or drugs or currently charged with either;

(3) Has sufficient knowledge of private investigator business to be a suitable person to train private investigators;

(4) Has supplied all required information to the board; and

(5) Has paid the required fee.

5. The certificate issued pursuant to this section shall expire on the second year after the year in which it is issued and shall be renewable biennially upon application and payment of a fee.

650.384. Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted pursuant to sections 650.350 to 650.384 is guilty of a class D felony; and any person who violates any of the other provisions of sections 650.350 to 650.384 is guilty of a class A misdemeanor."; and

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

On motion of Representative Parker, **House Amendment No. 44** was adopted.

Representative Richardson offered **House Amendment No. 45**.

House Amendment No. 45

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 678 & 742, Page 44, Section 621.198, Line 4, by inserting after said line the following:

"**The office shall notify the local prosecutor of any owner's, employee's, agents, or affiliates of a long-term care facility who pays any portion of funds received from the State of Missouri to any person as a reward, incentive, or bribe for influencing an elderly or disabled person to reside at a particular facility**"; and

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

On motion of Representative Richardson, **House Amendment No. 45** was adopted.

HCS SS SCS SBs 678 & 742, as amended, was laid over.

COMMITTEE REPORTS

Committee on Commerce, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **SB 771**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Committee on Miscellaneous Bills and Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills and Resolutions, to which was referred **SCS SCR 41**, begs leave to report it has examined the same and recommends that it **Do Pass.**

Committee on Public Safety and Law Enforcement, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **SCS SB 756**, begs leave to report it has examined the same and recommends that the **House**

Committee Substitute Do Pass.

Committee on State Parks, Natural Resources and Mining, Chairman McBride reporting:

Mr. Speaker: Your Committee on State Parks, Natural Resources and Mining, to which was referred **SCR 42**, begs leave to report it has examined the same and recommends that it **Do Pass.**

APPOINTMENT OF CONFERENCE COMMITTEES

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

SCS HS HB 1238: Representatives Hoppe, Rizzo, Smith, Lograsso and Berkstresser

HCS SB 922: Representatives Hagan-Harrell, Crump, Skaggs, Elliott and Griesheimer

HS HCS SS SB 902: Representatives Treadway, O'Toole, Foley, Dolan and Boatright

SS HS HCS HB 1797: Representatives Gratz, Kreider, Graham (24), Nordwald and Tudor

HCS SS SS #3 SJR 35: Representatives Graham (24), Backer, Monaco, Naeger and Summers

SS SCS HS HCS HBs 1566 & 1810: Representatives Bray, Van Zandt, Riback Wilson (25), Gibbons and Hegeman

RE-APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

HS HCS SB 856: Representatives Harlan, Foley, Wilson (42), Reinhart and Shields

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1292

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1292 with Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Substitute Amendment No. 1 for Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment 1 to Senate Amendment 15 and Senate Amendment 15 as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, 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 Bill No. 1292, with Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 6, Senate Substitute Amendment No. 1 for Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment 1 to Senate Amendment 15 and Senate Amendment 15 as amended;

2. That the House recede from its position on House Bill No. 1292;

3. That the attached Conference Committee Substitute be adopted.

FOR THE HOUSE:
/s/ Ron Auer
/s/ Russell Gunn
/s/ Christopher Liese
/s/ Chuck Surface
/s/ Mark Elliott

FOR THE SENATE:
/s/ Ken Jacob
/s/ Lacy Clay
/s/ Paula Carter
/s/ Walt Mueller
/s/ Betty Sims

CONFERENCE COMMITTEE REPORT NO. 2
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 813

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Substitute for Senate Bill No. 813, with House Amendment Nos. 1, 3, 4, 5, 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 1 to House Amendment No. 10 and House Amendment No. 10, as amended, House Amendment Nos. 11, 12 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, 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 for Senate Bill No. 813, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 831;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Bill No. 813 be adopted.

FOR THE HOUSE:
/s/ Don Kissell

FOR THE SENATE:
/s/ Ted House

/s/ Phillip Britt
/s/ Steve McLuckie
/s/ Jon Dolan

/s/ William Clay
/s/ Stephen Stoll
/s/ Sarah Steelman
/s/ David Klarich

CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 741

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3, 4 and 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 5 to House Committee Substitute for Senate Bill No. 741;

2. That the Senate recede from its position on House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3, and 4; and

3. That House Committee Substitute for Senate Bill No. 741, with House Amendments Nos. 1, 2, 3 and 4, be adopted.

FOR THE HOUSE:
/s/ Gracia Backer
/s/ Gary Wiggins
/s/ Randall Relford
/s/ Kenneth Legan
/s/ Beth Long

FOR THE SENATE:
/s/ Joe Maxwell
/s/ Ed Quick
/s/ Wayne Goode
/s/ Franc Flotron
/s/ Anita Yeckel

CONFERENCE COMMITTEE REPORT
ON
SENATE JOINT RESOLUTION NO. 50

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the

Senate, on Senate Joint Resolution No. 50, with House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 2 to Senate Joint Resolution No. 50; and

2. That Senate Joint Resolution No. 50 be adopted.

FOR THE HOUSE:
/s/ May Scheve
/s/ Jim Foley
/s/ James O'Toole
/s/ Chuck Surface
/s/ John Griesheimer

FOR THE SENATE:
/s/ Steve Stoll
/s/ Ken Jacob
/s/ Walt Mueller
/s/ Joe Maxwell
/s/ Roseann Bentley

CONFERENCE COMMITTEE REPORT
ON
HOUSE SUBSTITUTE
FOR
SENATE BILL NO. 1053

Mr. Speaker: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Substitute for Senate Bill No. 1053, with House Amendment No. 1, House Amendments Nos. 1 and 2 to Part II, and House Amendment No. 1 to Part III; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 1053, as amended;

2. That the Senate recede from its position on Senate Bill No. 1053;

3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 1053 be adopted.

FOR THE HOUSE:
/s/ Rita Days
/s/ Gracia Backer
/s/ Russell Gunn
/s/ Carson Ross
/s/ Bill Tudor

FOR THE SENATE:
/s/ Wayne Goode
/s/ William Clay
/s/ Harry Wiggins
/s/ Roseann Bentley
/s/ Franc Flotron

LETTER OF RESIGNATION

May 11, 2000

The Honorable Steve Gaw
Speaker
Missouri House of Representatives
Room 308, State Capitol Building
Jefferson City, MO 65101

Dear Speaker Gaw:

I officially resign as State Representative of the 9th Legislative District on May 11, 2000, at 4:18 P.M. I have been confirmed by the State Senate to become a member of the Missouri Tax Commission.

Respectfully,

/s/ Sam Leake

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 9:30 a.m, Friday, May 12, 2000.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Seventieth Day, Wednesday, May 10, 2000, pages 1579 and 1580, roll call, by showing Representative Gambaro voting "aye" rather than "absent with leave".

Pages 1579 and 1580, roll call, by showing Representatives Bartle, Levin and Purgason voting "no" rather than "absent with leave".

Page 1581, roll call, by showing Representatives Gambaro, Klindt, Levin and Parker voting "aye" rather than "absent with leave".

Pages 1581 and 1582, roll call, by showing Representatives Barry, Champion, Chrismer, Gambaro, Levin, Miller, Parker and Reynolds voting "aye" rather than "absent with leave".

Pages 1583 and 1584, roll call, by showing Representatives Hosmer and Patek voting "no" rather than "absent with leave".

Pages 1584 and 1585, roll call, by showing Representative Kelly (27) voting "aye" rather than "absent with leave".

Pages 1585 and 1586, roll call, by showing Representative Smith voting "aye" rather than "absent with leave".

Page 1586, roll call, by showing Representative Smith voting "aye" rather than "absent with leave".

Page 1588, roll call, by showing Representatives Boatright, Kissell and Patek voting "aye" rather than "absent with leave".

Page 1589, roll call, by showing Representative Kissell voting "aye" rather than "absent with leave".

Pages 1606 and 1607, roll call, by showing Representative Lawson voting "aye" rather than "absent with leave".

Page 1608, roll call, by showing Representative Klindt voting "aye" rather than "absent with leave".

Pages 1613 and 1614, roll call, by showing Representative Long voting "aye" rather than "absent with leave".

Pages 1613 and 1614, roll call, by showing Representative Boykins voting "no" rather than "absent with leave".

Pages 1615 and 1616, roll call, by showing Representatives Boykins and Days voting "aye" rather than "absent with leave".

Page 1616, roll call, by showing Representatives Hosmer, Kelly (27), Levin, Reinhart and Ross voting "aye" rather than "absent with leave".

Pages 1619 and 1620, roll call, by showing Representatives Berkstresser, Levin, Murray, Secrest, Tudor and Riback Wilson (25) voting "aye" rather than "absent with leave".

Pages 1620 and 1621, roll call, by showing Representative Riback Wilson (25) voting "aye" rather than "absent with leave".

Page 1621, roll call, by showing Representatives Berkstresser, Kelly (27), Levin, Naeger, Reinhart, Summers, Surface and Riback Wilson (25) voting "aye" rather than "absent with leave".

Page 1626, roll call, by showing Representative Champion voting "no" rather than "absent with leave".

Pages 1636 and 1637, roll call, by showing Representatives Gaskill, Sallee and Townley voting "aye" rather than "absent with leave".

Pages 1637 and 1638, roll call, by showing Representatives Bartle, Hollingsworth and Secrest voting "aye" rather than "absent with leave".

Pages 1647 and 1648, roll call, by showing Representatives Berkstresser and Hickey voting "aye" rather than "absent with leave".

Pages 1647 and 1648, roll call, by showing Representatives King and Long voting "no" rather than "absent with leave".

Pages 1660 and 1661, roll call, by showing Representative Fraser voting "aye" rather than "no".

Pages 1660 and 1661, roll call, by showing Representatives Berkstresser and George voting "aye" rather than "absent with leave".

Pages 1660 and 1661, roll call, by showing Representative Days voting "no" rather than "absent with leave".

Pages 1667 and 1668, roll call, by showing Representatives Lawson, Long, Purgason and Wright voting "aye" rather than "absent with leave".

Pages 1669 and 1670, roll call, by showing Representative Long voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

JOINT COMMITTEE ON LEGISLATIVE RESEARCH
Thursday, May 11, 2000, 8:30 am. Hearing Room 1.
Assignment of Oversight's Interim Work.

MISCELLANEOUS BILLS AND RESOLUTIONS
Thursday, May 11, 2000. Room 309 upon morning adjournment.
To be considered - SCR 41

RETIREMENT
Friday, May 12, 2000, 9:00 am. Side gallery.
To be considered - HCR 37

STATE PARKS, NATURAL RESOURCES & MINING
Thursday, May 11, 2000. Side gallery upon noon adjournment.
Executive Session.
To be considered - SCR 42

HOUSE CALENDAR

SEVENTY-SECOND DAY, FRIDAY, MAY 12, 2000

HOUSE JOINT RESOLUTIONS FOR PERFECTION

1 HJR 40, as amended, HA 3, pending - Graham (24)
2 HJR 45, HCA 1 - Scheve
3 HJR 51 - Clayton

HOUSE BILLS FOR PERFECTION

1 HCS HB 1747 - Barry
2 HB 2102 - Hampton
3 HB 1066, HCA 1 - Riback Wilson (25)
4 HB 1280 - Clayton
5 HB 1502 - Smith
6 HCS HB 1547 - Scheve
7 HCS HB 1962, 1943, 1425 & 1419 - Dougherty
8 HB 1546 - Smith
9 HCS HB 1606 - Bray
10 HCS HB 1225 - Hosmer
11 HCS HB 1540 - Green
12 HCS HB 1942 - Liese
13 HCS HB 1578 - Shelton
14 HB 2056 - Gunn
15 HCS HB 1718 - Smith
16 HCS HB 1966 - Hosmer
17 HCS HB 1997 - Smith
18 HCS HB 1336 - Lakin
19 HCS HB 1780 - Liese
20 HCS HB 1816 - Hosmer
21 HCS HB 1357 - Bonner
22 HB 1872 - Seigfreid
23 HCS HB 1674 - Graham (24)
24 HCS HB 1154 - Boucher
25 HCS HB 2114 - Hoppe
26 HCS HB 1649 - Williams (121)
27 HB 1216 - Kelly (27)
28 HB 1157, HCA 1 - Boucher

HOUSE BILLS FOR PERFECTION - INFORMAL

1 HCS HB 1602, as amended - Leake
2 HB 1712 - McKenna
3 HS HB 1394, as amended - Murray

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 31, (5-1-00, pg. 1158) - Hollingsworth

HOUSE BILLS FOR THIRD READING - CONSENT

1 HB 1828 - Gross
2 HB 1095 - Richardson

3 HB 1358 - Loudon
4 HB 1275 - Chrismer

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING
1 SCS SCR 41, (3-6-00, pg. 482) - O'Toole
2 SCR 22, (4-19-00, pg. 1006) - Koller
3 SCR 27, (3-7-00, pg. 491)
4 SCR 44, (5-3-00, pg. 1275) - O'Toole
5 SCR 21, (3-6-00, pg. 482) - Shelton
6 SCR 25, (2-23-00, pg. 379) - Rizzo

7 SCR 26, (5-9-00, pg. 1548) - Dougherty
8 SCR 42, (5-9-00, pg. 1550) - McBride
9 SCR 36, (4-18-00, pg. 991) - Riback Wilson (25)

SENATE BILLS FOR THIRD READING
1 HCS SS SCS SB 678 & 742, as amended - May (108)
2 HCS SS#2 SCS SB 757 & 602, (Fiscal Review, 5-4-00) - Scheve
3 SCS SB 540 - Wiggins
4 HCS SS SCS SB 925, E.C. - Williams (159)
5 HCS SB 996 - Hosmer
6 HCS SCS SB 842, E.C., (Fiscal Review, 5-4-00) - Hoppe
7 HCS SB 921 - Treadway
8 SB 892, (Fiscal Review, 5-4-00) - Crump
9 HCS SCS SB 683, (Fiscal Review, 5-5-00) - Koller
10 HCS SS SCS SB 885, (Fiscal Review, 5-5-00) - Smith
11 HCS SB 573, E.C., (Fiscal Review, 5-5-00) - Kissell
12 HCS SB 974, (Fiscal Review, 5-5-00) - Lakin
13 HCS SCS SB 806 & SB 537, E.C., (Fiscal Review, 5-5-00) - Britt
14 HCS SB 851 - Kreider
15 HCS SCS SB 597, (Fiscal Review, 5-5-00) - Dougherty
16 HCS SB 722 - Smith
17 SB 910 - Abel
18 HCS SS SCS SB 926, E.C., (Fiscal Review, 5-8-00) - Scheve
19 SCS SB 685 - Curls
20 HCS SCS SB 756

SENATE BILLS FOR THIRD READING - INFORMAL
1 SCS SB 779 - Wiggins
2 HCS SB 936, HS, as amended, E.C. - Bray

HOUSE BILLS WITH SENATE AMENDMENTS
1 SCS HCS HB 1386 & 1086, as amended - Britt
2 SCS HS HCS HB 1076, as amended, E.C. - Relford

BILLS IN CONFERENCE

1 HS HCS SS SB 549, as amended - Van Zandt
2 CCR HS HCS SB 788, as amended - Barry
3 HS HCS SB 896, as amended, E.C. - May (108)
4 HS HCS SB 858 - Smith
5 CCR HCS SB 741, as amended - Backer
6 CCR SCS HB 1292, as amended - Auer
7 CCR#2 HCS SS SB 813, as amended - Kissell
8 CCR SJR 50, as amended - Scheve
9 CCR HS SB 1053, as amended - Days
10 HCS SS SCS SB 763, as amended - Kissell
11 SCS HS HB 1238, as amended, E.C. - Hoppe
12 HCS HB 1967, SA 1 to SCA 1, SCA 1, as amended & SA 1, E.C. - Hoppe
13 HCS SS SS#3 SJR 35, as amended - Graham (24)
14 HS HCS SS SB 902, as amended - Treadway
15 HCS SB 922, as amended - Hagan-Harrell
16 SS HS HCS HB 1797, as amended - Gratz
17 SS SCS HS HCS HB 1566 & 1810, as amended, E.C. - Bray
18 HS HCS SB 856, as amended - Harlan

HOUSE RESOLUTIONS

1 HR 557, (5-1-00, pg. 1160) - Gratz
2 HR 504, (5-1-00, pg. 1159) - Gratz
3 HR 295, (5-3-00, pg. 1265) - Scheve