

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

SIXTY-FIRST DAY, TUESDAY, APRIL 30, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Heavenly Father, we have assembled today to continue this process of dialogue and debate, not just to prove rightness or to right old hurts, but to advance the progress of this state. God of hope, God of challenge, let party allegiance and personal reputation not blind any of these men and women to their prime commitment to serve all the people of this state.

Wisdom in decision flows from inner motivation to build and not to destroy. That strength is readily found in that quiet place within each of our hearts, where You and not ego, are truly God. Help us all to go there now, to find You, and to proceed to this day's decisions with grace, dignity, and purpose. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Luke Boydston, Michael Danner, Taylor Spooner, Mary Meehan, Cedrick Allen, Brittney Robinson, Tim Hoette, Ryann Thompson, Steve Beckmann, Joey Caldwell, Porsha Doyle, Vincent Crossland, Allison Gallagher, Andrea Unger, Steve Davis, Caroline Philipppone, Kristi Wells, Sarah Terry, Vickie Thompson, Kenny Bauer, Alicia Burkhart, Eric Welliver, Ryan Welliver, Casey O'Donnell, Cameron Grandberry, Lorelei Redstone, Corey VonderHaar, Brett Fawcett, Zach Sheffler, Dylan Spinks, Abigayle Knaebel, Lauren Adams and Abby Adams.

The Journal of the sixtieth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1687

and

House Resolution No. 1688 - Representative Fares

House Resolution No. 1689

and

House Resolution No. 1690 - Representative Monaco

House Resolution No. 1691 - Representative Phillips

House Resolution No. 1692 - Representative Surface

House Resolution No. 1693

through

House Resolution No. 1695 - Representatives Myers and Black

House Resolution No. 1696 - Representative Hunter
 House Resolution No. 1697 - Representative Hickey
 House Resolution No. 1698
 and
 House Resolution No. 1699 - Representative Behnen
 House Resolution No. 1700 - Representative Crawford
 House Resolution No. 1701 - Representative Johnson (90)
 House Resolution No. 1702 - Representative Kelley (47)
 House Resolution No. 1703 - Representative Williams

SECOND READING OF SENATE BILLS

SS#2 SB 1191 and **SS SB 1248** were read the second time.

COMMITTEE REPORTS

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HB 1307**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1659**, begs leave to report it has examined the foregoing bill and finds the same to be truly and correctly printed as agreed to and finally passed.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 151

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burton	Campbell	Carnahan
Champion	Cierpiot	Clayton	Copenhaver	Crawford
Crowell	Crump	Cunningham	Daus	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Liese	Linton

Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Reinhart	Relford
Richardson	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 003

Holand	Reid	Reynolds
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ABSENT WITH LEAVE: 008

Burcham	Byrd	Cooper	Curls	Lograsso
Rector	Ridgeway	Selby		

VACANCIES: 001

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 1537, as amended, relating to small estate administration, was taken up by Representative Clayton.

On motion of Representative Clayton, **SCS HB 1537, as amended**, was adopted by the following vote:

AYES: 149

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Daus	Davis	Dempsey	Dolan	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Liese	Linton
Lograsso	Long	Lowe	Marble	Marsh

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May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Moore	Murphy	Myers	Naeger
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 013

Burcham	Curls	Enz	Harlan	Kelly 144
Luetkemeyer	Luetkenhaus	Monaco	Nordwald	Phillips
Scott	Skaggs	Troupe		

VACANCIES: 001

On motion of Representative Clayton, **SCS HB 1537, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 147

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Daus	Davis	Dempsey	Dolan	Fares
Farnen	Franklin	Fraser	Froelker	Gambara
Gaskill	George	Graham	Gratz	Green 15
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Koller
Lawson	Legan	Liese	Linton	Lograsso
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Ross	Scheve	Schwab
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Smith	St. Onge	Surface	Thompson

Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 015

Burcham	Curts	Enz	Foley	Harlan
Kelly 144	Long	Lowe	Luetkemeyer	Luetkenhaus
Nordwald	Roberts	Scott	Shoemaker	Skaggs

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

SCS HB 2120, relating to value of property, was taken up by Representative Ridgeway.

Representative Ridgeway moved that the House refuse to adopt **SCS HB 2120** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

PERFECTION OF HOUSE BILLS

HCS HB 1868, relating to the Regional Taxicab Commission, was taken up by Representative Barry.

Representative Barry offered **HS HCS HB 1868**.

Representative Smith assumed the Chair.

Representative Green (73) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill No. 1868 by inserting at the appropriate location the following:

"238.500. Sections 238.500 to 238.552 shall be known as the "Missouri Regional Transportation Development District Act".

238.502. 1. As used in sections 238.500 to 238.552, the following terms mean:

- (1) "Board", the board of directors of a district;**
- (2) "Commission", the Missouri state highways and transportation commission;**
- (3) "District", a regional transportation development district organized pursuant to sections 238.500 to 238.552;**
- (4) "Local transportation authority", a county, city, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over**

any bridge, street, highway, dock, wharf, ferry, lake, or river port, airport, railroad, light rail, or other transit improvement or service;

(5) "Project" includes construction, renovation, preservation, operation, or maintenance of any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bike, or pedestrian improvement, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake, or river port, airport, railroad, light rail, or other mass transit and any similar or related improvement or infrastructure.

2. For the purposes of article X, sections 11(c), 16, and 22 of the Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.500 to 238.552, the following terms shall have the meanings given:

(1) "Approval of the required majority" or "direct voter approval", a simple majority;

(2) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo.

238.504. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain, and operate one or more projects or to assist in such activity.

2. A district is a political subdivision of the state.

238.506. 1. Whenever the creation of a district is desired, not less than fifty registered voters from a county or city not within a county may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

2. Alternatively, the governing body of any county or city not within a county may pass a petition allowing voters to decide upon creation of a district. The petition shall be filed in the circuit court of any county or city not within a county within the proposed district.

3. The proposed district area shall be contiguous and may contain one or more counties and a city not within a county. Property separated only by public streets shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence, and county of residence of each individual petitioner, or shall recite that the petitioner is the governing body of that city or county acting in its official capacity;

(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;

(3) A general description of the transportation projects proposed to be undertaken by that district;

(4) The name of the proposed district;

(5) The number of members of the board of directors of the proposed district, which shall be three from each county or city not within a county within the proposed district;

(6) A statement that the terms of office of initial board members shall be staggered to expire in two, four, and six years;

(7) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters residing within the limits of the proposed district whether they will establish a regional transportation development district for funding transportation projects;

(8) A proposal for funding the district initially, pursuant to the authority granted in sections 238.500 to 238.552, together with a request that the funding proposal be submitted to the qualified voters residing within the limits of the proposed district.

238.508. 1. If the petition was filed by registered voters or by a governing body, the circuit clerk in whose office the petition was filed shall give notice to the public by causing one or more newspapers of general circulation serving the counties or portions thereof contained in the proposed district to publish once a week for four consecutive weeks a notice substantially in the following form:

NOTICE OF PETITION TO SUBMIT TO A POPULAR VOTE THE CREATION AND FUNDING OF A REGIONAL TRANSPORTATION DEVELOPMENT DISTRICT

Notice is hereby given to all persons residing in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a regional transportation development district by the name of "..... Regional Transportation Development District" be formed for the purpose of funding the transportation projects. A copy of this petition is on file and available at the office of the clerk of the circuit court of County, located at, Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the regional transportation development district and requesting a declaratory judgment, as required by law, no later than the day

of, 20... You may show cause, if any there be, why such petition is defective or proposed regional transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary, or special election as directed by this court.

..... Clerk of the Circuit Court of
..... County.

2. The circuit clerk shall also submit the same notice to the commission.

3. The circuit court may also order a public hearing on the question of the creation of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. If a public hearing is ordered, notice of the time, date, and place of the hearing shall also be given in the notice specified in this section

238.510. 1. If the circuit court certifies the petition for voter approval, it shall call an election pursuant to section 238.512.

2. At such election for voter approval of the qualified voters, the questions shall be submitted in substantially the following form:

Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a regional transportation development district, to be known as the "..... Regional Transportation Development District" for the purpose of funding transportation projects and to have the power to fund the proposed projects upon voter approval by any or all of the following methods: sales tax, tolls, and bonds?

3. The results of the election shall be entered upon the records of the circuit court of the county or city not within a county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county or city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission or the city not within a county. If the results show that a majority of the votes cast by the qualified voters were in favor of organizing the regional transportation development district, the circuit court having jurisdiction of the matter shall declare the district organized. If the results show that less than a majority of the votes cast by the qualified voters were in favor of the organization of the district, the circuit court shall declare that the question has failed to pass, and the same question shall not be again submitted for voter approval for two years.

238.512. 1. Except as otherwise provided in section 238.516 with respect to the election of directors, in order to call any election required or allowed in sections 238.500 to 238.552, the circuit court shall order the clerk to cause the questions to appear on the ballot on the next regularly scheduled municipal, or state general, primary, or special election day, which date shall be the same in each county or city not within a county included within and voting upon the proposed district.

2. The results of the election shall be entered upon the records of the circuit court of the county in which the petition was filed. Also, a certified copy thereof shall be filed with the clerk of each county and city not within a county of the proposed district, who shall cause the same to be spread upon the records of the county commission and the city not within a county.

238.514. The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 238.500 to 238.552, the petitioners may be reimbursed for such costs out of the revenues received by the district.

238.516. 1. At the time of the organizing election, three directors from each county or city not within a county shall be elected.

2. Candidates shall pay the sum of fifty dollars as a filing fee to the clerk of the county or city not within a county and shall file with the election authority of such county or city not within a county a statement under oath that the candidate possesses all of the qualifications set out in this section for a director. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

3. The director or directors to be elected shall be elected at large within the county or city not within a county. The candidate receiving the most votes from qualified voters shall be elected to the position having the six-year term, the second highest total votes elected to the position having the four-year term, and the third highest total votes elected to the position having a two-year term. Each initial director shall serve the term to which the director was elected, and until a successor is duly elected and qualified. Each successor director shall serve a six-year term. The directors shall nominate and elect an interim director to complete any unexpired term

of a director caused by resignation or disqualification.

4. Each director shall be a resident of the district. Directors shall be registered voters at least twenty-one years of age.

238.518. 1. The board shall possess and exercise all of the district's legislative and executive powers.

2. The board shall meet within thirty days after the election of the initial directors. The time and place of the first meeting of the board shall be designated by the court that heard the petition upon the court's own initiative or upon the petition of any interested person. At its first meeting and after each election of new board members the board shall elect a chair from its members.

3. The board shall appoint an executive director, district secretary, treasurer, and such other officers or employees as it deems necessary.

4. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

5. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

6. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for actual and necessary expenditures in the performance of duties on behalf of the district.

238.520. 1. Before construction of any project to be merged into the state highways and transportation system, the district shall submit the proposed project, together with the proposed plans and specifications, to the commission for its prior approval of the project. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may approve the project subject to the district making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. Before construction of any project that is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall submit the proposed project, together with proposed plans and specifications, to the local transportation authority for its prior approval. The local transportation authority may approve the project subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

238.522. 1. A district may use sales taxes, tolls, or bonds specifically authorized by sections 238.500 to 238.552 to fund a project.

2. At any time during the existence of the district the board may submit or resubmit a proposed funding method authorized by sections 238.500 to 238.552 for transportation projects to the qualified voters for approval.

3. The district may by contract with the commission agree to send to the commission any revenue received by the district from any funding method authorized by sections 238.500 to 238.552. Such revenue and interest therefrom shall be deposited by the commission pursuant to section 227.180, RSMo, and applied by the commission to project costs, including debt service, on revenue bonds, or refunding bonds issued by the commission.

4. Revenue raised by the regional transportation development district shall provide additional funding for transportation projects and purposes. The commission shall not reduce funding from any source provided to the area covered by the regional transportation development district below the amount received in the fiscal year of the district's organization except when state or federal taxes or fees are reduced, in which case the reduction must not exceed the proportion of the tax or fee reduction. The commission shall increase funding in each fiscal year to the area covered by the regional transportation development district by at least the percent growth in all funding sources. Any and all federal funds designated by federal law, regulation, or appropriation to the area covered by the regional transportation development district must be passed through to the district in full.

5. The district may by contract with a local transportation authority agree to send the local

transportation authority any revenue received by the district. The local transportation authority shall deposit such revenue in a special local trust account. Such revenue and interest therefrom shall be applied by the local transportation authority to project costs.

238.524. 1. Any transportation development district which consists of one or more counties or city not within a county, may by resolution impose a regional transportation development district sales tax on all retail sales made in such regional transportation development district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, for any transportation development purpose designated by the regional transportation development district in its ballot of submission to its qualified voters. No resolution enacted pursuant to the authority granted by this section shall be effective unless the board of directors of the regional transportation development district submits to the qualified voters of the regional transportation development district, at a municipal or state general, primary, or special election, a proposal to authorize the board of directors of the transportation development district to impose a sales tax or tolls pursuant to this section.

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

Shall the regional transportation development district of (regional transportation development district's name) impose a regional transportation development district-wide 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 funding transportation projects?

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution 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 board of directors of the regional transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the regional transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. Within ten days after the adoption of any resolution in favor of the adoption of a regional transportation development district sales tax by the qualified voters of such regional transportation development district, the regional transportation development district shall forward to the director of revenue, by United States registered mail or certified mail, a certified copy of the resolution of its board of directors. The resolution shall reflect the effective date thereof. The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of such tax.

4. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together, and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

5. All revenue received by a regional transportation development district from the tax authorized by this section which has been designated for certain transportation purpose, less one percent to pay for the costs of collection deposited by the department of revenue in the state's general revenue fund, shall be deposited by the district in a special local trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to this section or if the tax authorized by this section is repealed pursuant to this section, all funds remaining in the special local trust fund shall continue to be used solely for such designated transportation purposes. Any funds in such special local trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other regional transportation development district funds.

6. The sales tax may be imposed at a rate of up to one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the regional transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to sections 144.010 to 144.525, RSMo, except such regional transportation development district sales tax shall not

apply to the sale or use of motor vehicles, trailers, boats, or outboard motors nor to public utilities. Any regional transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

7. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax. The amount reported and returned to the director of revenue by the seller shall be computed on the basis of the combined rate of the tax imposed by sections 144.010 to 144.525, RSMo, and the tax imposed by the resolutions as authorized by this section, plus any amounts imposed pursuant to other provisions of law.

8. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, governing local sales taxes, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed in this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons, and to the sale of certain articles and items of tangible personal property and taxable services pursuant to sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed in this section.

(3) The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the regional transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment, or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

9. If any regional transportation development district repeals the tax authorized by this section, the regional transportation development district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal and the director of revenue may order retention, 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 such 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 repeal of the tax authorized by this section in such regional transportation development district, the director of revenue shall remit the balance in the account to the regional transportation development district and close the account of that transportation development district. The director of revenue shall notify each regional transportation development district of each instance of any amount refunded or any check redeemed from receipts due the regional transportation development district.

10. (1) No regional transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects.

(2) Whenever the board of directors of any regional transportation development district in which a regional transportation development sales tax has been imposed pursuant to this section receives a petition, signed by ten percent of the qualified voters of such regional transportation development district calling for an

election to repeal such sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed, or revenue bonds, notes, or other obligations which it has issued or which have been issued by the commission to finance any project or projects, submit to the voters of such regional transportation development district a proposal to repeal the sales tax imposed pursuant to this section at the next municipal, state general, primary, or special election. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the sales tax, then the resolution imposing the sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the sales tax, then the ordinance or resolution imposing the sales tax, along with any amendments thereto, shall remain in effect.

238.526. 1. If approved by a majority of the qualified voters voting on the question in the district, the district may charge and collect tolls or fees for the use of a transportation project. The board may charge a lower toll rate or fee than that amount approved by the district voters, and may increase that lower toll rate or fee to a level not exceeding the toll or fee rate ceiling without voter approval. Toll rates or fees for the use of the same project may vary at the election of the board, depending upon the type or nature of the user, or the type or nature of the use.

2. The ballot of submission shall be substantially in the following form:

Shall the Regional Transportation Development District be authorized to charge tolls or fees in amounts not to exceed those given below:

Maximum Toll or Fee Toll or Fee Description

(Insert amount) (Insert a brief description of the toll or fee, distinguishing it from other tolls or fees to be charged on the same project)

(Insert amount) (Describe the next toll or fee charged)

(Etc.) (Etc.) for the purpose of providing revenue to fund a project (or projects) in the district (insert general description of the project or projects, if necessary)?

☐ YES

☐ NO

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

3. To construct a toll facility, a district may relocate an existing state highway or bridge, subject to approval by the commission, or an existing local public bridge, street, or road, subject to approval by the local transportation authority having control and jurisdiction over such street or road. A district shall not incorporate an existing free public bridge, street, road, or highway into a district project that will be subject to tolls.

238.528. A district may:

(1) Contract and incur liabilities appropriate to accomplish its purposes;
 (2) Lease or lease-purchase any real or personal property necessary or convenient for its purposes;
 (3) Borrow money for its purposes at such rates of interest as the district may determine; and
 (4) Issue bonds, notes, and other obligations, and may secure any of such obligations by mortgage, pledge, assignment, or deed of trust of any or all of the property and income of the district, subject to the restrictions provided in sections 238.500 to 238.552. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it obtained by eminent domain. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it acquired from the state of Missouri or any agency or political subdivision thereof without the written consent of the state, agency, or political subdivision from which it obtained the property.

238.530. 1. A district may at any time authorize or issue revenue bonds for the purpose of paying all or any part of the cost of any project. Every issue of such bonds shall be payable out of the revenues of the district and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to

any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of twenty-five years, as the resolution shall specify. Such bonds shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide notwithstanding section 108.170, RSMo. The bonds may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine.

2. Any issue of district bonds outstanding may be refunded at any time by the district by issuing its refunding bonds in such amount as the district may deem necessary. Such bonds may not exceed the amount sufficient to refund the principal of the bonds so to be refunded together with any unpaid interest thereon and any premiums, commissions, service fees, and other expenses necessary to be paid in connection with the refunding. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the bonds being refunded or by the exchange of the refunding bonds for the bonds being refunded with the consent of the holder or holders of the bonds being refunded. Refunding bonds may be issued regardless of whether the bonds being refunded were issued in connection with the same project or a separate project and regardless of whether the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

3. If the proposed project is intended to be merged into the state highways and transportation system for future maintenance under the commission's jurisdiction, the district may contract with the commission to assist it in issuing district revenue bonds and refunding bonds. The district may also contract with the commission to issue commission revenue bonds and refunding bonds and to loan the proceeds thereof to the district. Such bonds shall be authorized by commission minute and shall be issued subject to conditions applicable to bonds issued by the district but as determined by the commission rather than the district.

4. Bonds issued pursuant to this section shall exclusively be the responsibility of the district payable solely out of district funds and property provided in sections 238.500 to 238.552 and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Neither the district nor the commission shall be obligated to pay such bonds with any funds other than those specifically pledged to repayment of the bonds. Any bonds issued by a district or the commission shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

5. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds shall be exempt from taxation in the state of Missouri for all purposes except the state estate tax.

238.532. The district may:

- (1) Purchase land or receive contributions of land and cash for project right-of-way;
- (2) Limit and control access from adjacent property to a district project; and
- (3) Sell and convey excess right-of-way for fair market value to any person or entity.

238.534. 1. The district may condemn lands for a project in the name of the state of Missouri as to the necessity for the taking of the description of the parcel and the interest taken in that parcel.

2. If condemnation becomes necessary the district shall act pursuant to chapter 523, RSMo, and may condemn a fee simple or other interest in land.

3. The district may, after prior notice to the owner to enter upon private property, survey and determine the most advantageous route and design. The district shall be liable for all damages done to the property by such inspection.

4. Any person who involuntarily transfers any interest in land to a district which becomes insolvent and comes under the jurisdiction of a court may reacquire that property by paying to the district the total amount of the condemnation award for that parcel, plus statutory interest at the statutory rate from the date of taking on the amount of that award, if the project will not be completed by either the district, the commission, or a local transportation authority.

5. Whenever a district undertakes any project which results in the acquisition of real property or in any person or persons being displaced from their homes, businesses, or farms, the district shall provide relocation assistance and make relocation payments to such displaced person and do such other acts and follow such procedures as would be necessary to comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

238.536. The district may contract with:

(1) A federal agency, a state or its agencies and political subdivisions, the commission, a local transportation authority, a corporation, partnership, or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; and

(2) The commission to transfer the project to the commission free of cost or encumbrance on such terms set forth by contract. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts under chapter 536, RSMo;

(3) The local transportation authority to transfer the project to the local transportation authority free of cost or encumbrance on such terms set forth by contract.

238.538. In addition to all other powers granted by sections 238.500 to 238.552, the district shall have the following general powers:

(1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;

(2) To fix compensation of its employees and contractors. All contracts in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(3) To purchase any personal property necessary or convenient for its activities. All outright purchases of personal property in excess of ten thousand dollars between the district and any private person, firm, or corporation shall be competitively bid and shall be awarded to the lowest and best bidder;

(4) To collect and disburse funds for its activities; and

(5) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

238.540. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers, and its employees from any potential liability, and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project to obtain liability insurance having the district, its directors, and its employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

238.542. The district may contract with the commission and local transportation authorities to obtain assistance in project funding, promotion, planning, design, right-of-way acquisition, relocation assistance services, construction, preservation, maintenance, and operation. The commission or any local transportation authority may charge the district a reasonable fee, not exceeding the actual cost of providing the service. The commission is authorized to adopt reasonable administrative rules relating to regional transportation development districts pursuant to chapter 536, RSMo. 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 chapter 536, RSMo.

238.544. The state of Missouri, upon approval by an appropriate act of the general assembly, the commission, or a local transportation authority holding title to real estate, may give, grant, and convey to or for the use of a district such right-of-way or other easement in such real estate as may be necessary for the development of a project.

238.546. 1. For the purpose of law enforcement, all district projects to be transferred to the commission shall be treated as commission highways under chapter 43, RSMo, and all projects to be transferred to a local transportation authority shall be treated as streets or roads of that entity.

2. All laws of this state relating to maintaining, signing, damaging, and obstructing roads shall apply to district projects. The duties and powers imposed by such laws on certain officials shall devolve upon the district's engineer or other employee designated by the board. Nothing in this subsection shall be deemed to interfere with, restrict, or limit the authority of the commission to govern and control highway marking, signalization, and signing to the extent the commission is authorized by law.

3. For outdoor advertising and junkyard control purposes, a district project may be designated by the commission as a part of the state primary highway system and by a local transportation authority as a part of

its street or road system.

238.548. Unless otherwise approved by contract of the district, project improvements shall not be under the control and jurisdiction of a local transportation authority while the district retains control and jurisdiction over the project. The provisions of chapter 228, RSMo, are inapplicable to transportation development districts.

238.550. The state auditor shall audit each district not less than once every three years, and may audit more frequently if the state auditor deems appropriate. The state auditor shall also audit each district before it is abolished. The costs of these audits shall be paid by the district.

238.552. 1. At such time as a district has completed its projects and has transferred ownership of the projects to the commission or other local transportation authority for maintenance, or at such time as the board determines that it is unable to complete its projects due to lack of funding or for any other reason, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

Shall the Regional Transportation Development District be abolished?

2. The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Before submitting the question to abolish the district to a vote, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law.

3. While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

4. Upon receipt of certification by the appropriate election authorities that the majority of those voting within the district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board shall:

(1) Sell any remaining district real or personal property, and then transfer the proceeds and any other real or personal property owned by the district, including revenues due and owing the district, to the commission or any appropriate local transportation authority assuming maintenance and control of the project, for its further use and disposition;

(2) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;

(3) At a public meeting of the district, declare by a majority vote that the district has been abolished effective that date; and

(4) Cause copies of that resolution under seal to be filed with the secretary of state, the director of revenue, the commission, and with each local transportation authority affected by the district. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease."; and

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

On motion of Representative Green (73), **House Amendment No. 1** was adopted.

On motion of Representative Barry, **HS HCS HB 1868, as amended**, was adopted.

On motion of Representative Barry, **HS HCS HB 1868, as amended**, was ordered perfected and printed.

HCS HB 1777, relating to public order, was placed on the Informal Calendar.

HB 2160, relating to police chiefs' and officers' retirement, was taken up by Representative Britt.

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

House Amendment No. 1

AMEND House Bill No. 2160, Page 3, Section 86.958, Lines 4 to 6, by deleting all of said lines and inserting in lieu thereof the following:

"members of the Missouri Police Chiefs' Association, one of the remaining two directors shall be an appointed full-time municipal police officer who is a member of the state fraternal order of police, and the other director shall be an appointed full-time municipal police officer who is a member of any organization representing rank and file police officers. The three police chief officers shall be elected by a secret ballot vote of the"; and

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

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

Speaker Pro Tem Abel resumed the Chair.

HB 2160, as amended, was placed on the Informal Calendar.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 1777, relating to public order, was taken up by Representative Johnson (61).

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1777, Page 9, Section 578.008, Line 10, by inserting immediately after said line the following:

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

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

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

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

of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

- (4) The state militia or national guard or any part thereof;
- (5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;
- (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;
- (7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
- (8) Welfare cases of identifiable individuals;
- (9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;
- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; [and]
- (18) [In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to its budget, annual reports and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the state of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state.] **Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, the public disclosure of which would threaten public safety. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of records. This exception shall sunset on December 31, 2006;**
- (19) **Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network, of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network, shall be open except to the extent provided in this section; and**

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

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1777, Page 5, Section 407.762, Line 23, by inserting the following:

“No person may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission of a commercial electronic mail message from a computer located in Missouri or to an electronic mail address that the sender knows, or has reason to know, is held by a Missouri resident that:

(1) Uses a third-party's Internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(2) Contains false or misleading information in the subject line.

2. For purposes of this section, a person knows that the intended recipient of a commercial electronic mail message is a Missouri resident if that information is available, upon request, from the registrant of the Internet domain name contained in the recipient's electronic mail address.”; and

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

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

Representative Britt assumed the Chair.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1777, Page 4, Section 407.472, Lines 4 to 5 of said page, by striking the words **“an unlawful purpose”** on said line and inserting in lieu thereof the following:

“any purpose in violation of this chapter, or section 573.080, RSMo”; and

Further amend said page and section, Line 13, by striking the words **“an unlawful purpose”** on said line and inserting in lieu thereof the following:

“any purpose in violation of this chapter or section 573.080, RSMo”.

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1777, Page 4, Section 407.760, Line 1, by striking the numeral "407.764" and inserting in lieu thereof the numeral "**407.762**"; and

Further amend Line 4 by inserting after the word "actual" the following: "**but not threatened**"; and

Further amend Line 7 by inserting immediately after the word "disaster" the following:

"by Executive Order. The Executive Order must be dated, must state the cause of the consumer market disruption and the date and time of the onset of the cause, and must include the duration of the Executive Order which shall in all cases be reasonable in length."

Representative O'Toole offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

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

AMEND House Committee Substitute for House Bill No. 1777, Page 4, Section 407.760, Line 4, by inserting after the word "**actual**" the following: "**or threatened**"; and

Further amend said bill, Page 4, Section 407.760, Line 5, by inserting after the word "**nature,**" the following: "**failure or shortage of electric power or other source of energy,**"; and

Further amend said bill, Page 4, Section 407.760, Line 6, by inserting after the words "**declared as a**" the following: "**national or**"; and

Further amend said bill, Page 5, Section 407.760, Line 22, by deleting the words "**Only the**" and inserting in lieu thereof the word "**The**"; and

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

On motion of Representative O'Toole, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted by the following vote:

AYES: 066

Abel	Barnitz	Bartelsmeyer	Berkowitz	Bonner
Boucher	Bowman	Boykins	Bray 84	Campbell
Carnahan	Clayton	Copenhaver	Crump	Daus
Davis	Farnen	Foley	Franklin	Fraser
Gambaro	George	Green 73	Hagan-Harrell	Hampton
Harding	Haywood	Hickey	Hilgemann	Holt
Hoppe	Hosmer	Johnson 90	Jolly	Jones
Kelly 27	Kelly 36	Lawson	Liese	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Overschmidt	Paone	Ransdall	Reid	Relford

Rizzo	Seigfreid	Shoemyer	Smith	Thompson
Treadway	Villa	Wagner	Walton	Ward
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 060

Ballard	Bartle	Bearden	Behnen	Berkstresser
Black	Boatright	Burton	Byrd	Champion
Cooper	Crawford	Crowell	Cunningham	Dempsey
Dolan	Fares	Froelker	Gaskill	Gratz
Griesheimer	Hanaway	Hartzler	Hegeman	Hohulin
Hunter	Jetton	Kelley 47	Kelly 144	King
Legan	Linton	Long	Luetkemeyer	Marble
Marsh	May 149	Mayer	Miller	Moore
Myers	Naeger	Ostmann	Phillips	Portwood
Purgason	Quinn	Rector	Richardson	Roark
Robirds	Ross	Schwab	Secrest	Shields
Shoemaker	St. Onge	Surface	Townley	Vogel

PRESENT: 000

ABSENT WITH LEAVE: 036

Baker	Barnett	Barry 100	Bland	Britt
Brooks	Burcham	Cierpiot	Curls	Enz
Graham	Green 15	Harlan	Henderson	Hendrickson
Holand	Hollingsworth	Johnson 61	Koller	Lograsso
Lowe	Luetkenhaus	Murphy	Nordwald	Reinhart
Reynolds	Ridgeway	Scheve	Scott	Selby
Shelton	Skaggs	Troupe	Van Zandt	Walker
Wright				

VACANCIES: 001

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1777, Page 5, Section 407.762, Line 23, by inserting after all of said line the following:

"407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(2) "Residential subscriber", a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with such person;

(3) "Telephone solicitation", any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means, **or any communication via facsimile or electronic mail** for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund-raising to support the charitable purpose for which the entity was established

provided that a bona fide member of such exempt organization makes the voice **or computer** communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state, **with such appointment made in response to a contact that was initiated by a customer.**"; and

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

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

HCS HB 1777, as amended, was laid over.

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

AFTERNOON SESSION

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1704

and

House Resolution No. 1705 - Representative Ross

House Resolution No. 1706 - Representative Graham

House Resolution No. 1707 - Representatives Villa and Murphy

House Resolution No. 1708 - Representative King

House Resolution No. 1709 - Representative Gratz

House Resolution No. 1710

through

House Resolution No. 1712 - Representative Townley

House Resolution No. 1713

and

House Resolution No. 1714 - Representative Koller

House Resolution No. 1715 - Representative Burton, et al

House Resolution No. 1716 - Representative Shoemyer (9)

House Resolution No. 1717 - Representative Griesheimer

COMMITTEE REPORTS

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 1650 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILL - INFORMAL

HCS HB 1777, as amended, relating to public order, was again taken up by Representative Johnson (61).

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1777 by inserting at the appropriate location the following section:

"38.050. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism and bioterrorism preparedness, and homeland security status at least biennially;

(3) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism and bioterrorism protections, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state or local government agencies or departments included in the report.

8. The provisions of this section shall expire on December 31, 2007."; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1777, Page 4, Section 407.760, Line 1, by striking the phrase "to 407.764".

On motion of Representative Byrd, **House Amendment No. 7** was adopted.

On motion of Representative Johnson (61), **HCS HB 1777, as amended**, was adopted.

On motion of Representative Johnson (61), **HCS HB 1777, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILL

HB 1988, relating to the official state horse, was taken up by Representative Kelly (144).

On motion of Representative Kelly (144), **HB 1988** was ordered perfected and printed.

Representative Ransdall assumed the Chair.

THIRD READING OF HOUSE JOINT RESOLUTION

HCS HJR 47, relating to joint municipal utility commissions, was taken up by Representative Willoughby.

On motion of Representative Willoughby, **HCS HJR 47** was read the third time and passed by the following vote:

AYES: 150

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 73	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Long	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 001

Hendrickson

ABSENT WITH LEAVE: 011

Baker	Boykins	Curls	Green 15	Harlan
Hunter	Jetton	Lograsso	O'Toole	Reynolds
Skaggs				

VACANCIES: 001

Representative Ransdall declared the bill passed.

THIRD READING OF HOUSE BILLS

HB 1726, relating to discipline in public schools, was taken up by Representative Walton.

Representative Walton offered **House Perfecting Amendment No. 1**.

House Perfecting Amendment No. 1

AMEND House Bill No. 1726, Page 4, Section 160.261, Line 106, by deleting the word “**Education**” and inserting in lieu thereof the word “**Educational**”; and

Further amend said bill, Page 4, Section 160.261, Line 107, by inserting after the word “**Disabilities**” the word “**Education**”; and

Further amend said bill, Page 6, Section 160.261, Line 189, by deleting the word “**a**” immediately in front of the word “**discipline**”; and

Further amend said bill, Page 7, Section 160.730, Line 17, by deleting the word “**which**” and inserting in lieu thereof the words “**for which a**”; and

Further amend said bill, Page 8, Section 160.730, Line 38, by inserting immediately after the word “**This**” the following: “**section of this**”.

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

On motion of Representative Walton, **HB 1726, as amended**, was read the third time and passed by the following vote:

AYES: 113

Abel	Barnitz	Barry 100	Bartelsmeyer	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Champion	Clayton	Copenhaver	Crump
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Harding	Hartzler	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	King
Koller	Lawson	Liese	Lowe	Luetkenhaus
Marsh	Mayer	Mays 50	McKenna	Merideth
Monaco	Moore	Murphy	Myers	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Portwood	Quinn	Ransdall	Reid	Relford
Rizzo	Ross	Scheve	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Thompson	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 044

Ballard	Barnett	Bartle	Bearden	Behnen
Berkstresser	Boatright	Burcham	Burton	Byrd
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Hanaway	Henderson	Hendrickson	Hohulin	Hunter
Jetton	Kelly 144	Legan	Linton	Long

Luetkemeyer	Marble	May 149	Miller	Naeger
Phillips	Purgason	Rector	Reinhart	Richardson
Ridgeway	Roark	Robirds	Schwab	Scott
Secrest	Surface	Townley	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 005

Baker	Curls	Harlan	Lograsso	Reynolds
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VACANCIES: 001

Representative Ransdall declared the bill passed.

HCS HB 1216, relating to suicide prevention, was taken up by Representative Johnson (61).

On motion of Representative Johnson (61), **HCS HB 1216** was read the third time and passed by the following vote:

AYES: 146

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Black
Bland	Boatright	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Burcham
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Fraser	Froelker	Gambaro	Gaskill	George
Graham	Gratz	Green 15	Green 73	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 144	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Liese
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Richardson	Ridgeway	Rizzo	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Walton	Ward
Whorton	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

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NOES: 007

Ballard	Cunningham	Hohulin	Linton	Miller
Purgason	Roark			

PRESENT: 000

ABSENT WITH LEAVE: 009

Baker	Berkstresser	Curls	Franklin	Harlan
Hosmer	Lograsso	Reynolds	Williams	

VACANCIES: 001

Representative Ransdall declared the bill passed.

HB 1350, relating to community improvement districts, was taken up by Representative Liese.

On motion of Representative Liese, **HB 1350** was read the third time and passed by the following vote:

AYES: 153

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Lawson	Legan	Liese	Linton	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 001

Townley

PRESENT: 000

ABSENT WITH LEAVE: 008

Baker	Berkstresser	Curls	Green 15	Green 73
Harlan	Lograsso	Reynolds		

VACANCIES: 001

Representative Ransdall declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 143

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burton	Byrd	Campbell	Carnahan	Champion
Cierpiot	Clayton	Copenhaver	Crawford	Crump
Cunningham	Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Franklin
Fraser	Gambaro	Gaskill	George	Graham
Gratz	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Jetton	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Long	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Portwood
Purgason	Quinn	Ransdall	Reid	Reinhart
Relford	Richardson	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Shoemaker
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 010

Burcham	Cooper	Crowell	Froelker	Hendrickson
Hohulin	Hunter	Murphy	Rector	Roark

PRESENT: 000

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ABSENT WITH LEAVE: 009

Baker	Berkstresser	Curls	Green 15	Green 73
Harlan	Lograsso	Lowe	Reynolds	

VACANCIES: 001

Representative Villa assumed the Chair.

HCS HB 1656, relating to sexual offenses, was taken up by Representative Wright.

On motion of Representative Wright, **HCS HB 1656** was read the third time and passed by the following vote:

AYES: 143

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Boatright	Bonner	Boucher	Boykins
Britt	Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Froelker	Gambaro
Gaskill	George	Graham	Gratz	Green 15
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Lawson
Legan	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Reinhart
Relford	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Villa
Vogel	Wagner	Walton	Ward	Whorton
Willoughby	Wright	Mr. Speaker		

NOES: 012

Bland	Bowman	Bray 84	Brooks	Daus
Fraser	Johnson 61	Troupe	Van Zandt	Walker
Wilson 25	Wilson 42			

PRESENT: 000

ABSENT WITH LEAVE: 007

Baker	Berkstresser	Curls	Green 73	Harlan
Reynolds	Williams			

VACANCIES: 001

Representative Villa declared the bill passed.

HB 1627, relating to building regulations, was taken up by Representative Kreider.

On motion of Representative Kreider, **HB 1627** was read the third time and passed by the following vote:

AYES: 098

Abel	Baker	Barnitz	Barry 100	Bearden
Berkowitz	Bland	Bonner	Boucher	Bowman
Boykins	Bray 84	Britt	Brooks	Campbell
Carnahan	Champion	Clayton	Copenhaver	Crump
Cunningham	Daus	Davis	Dolan	Farnen
Foley	Franklin	Fraser	Gambaro	George
Graham	Gratz	Green 15	Hagan-Harrell	Hampton
Hanaway	Harding	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelley 47	Kelly 27	Kelly 36	Koller
Legan	Liese	Long	Lowe	Marsh
Mays 50	McKenna	Merideth	Monaco	Murphy
O'Connor	O'Toole	Overschmidt	Paone	Ransdall
Reid	Relford	Richardson	Rizzo	Scheve
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Thompson	Treadway
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 058

Ballard	Barnett	Bartelsmeyer	Bartle	Behnen
Black	Boatright	Burcham	Burton	Byrd
Cierpiot	Cooper	Crawford	Crowell	Dempsey
Enz	Fares	Froelker	Gaskill	Griesheimer
Hartzler	Henderson	Hohulin	Hunter	Jetton
Kelly 144	King	Lawson	Linton	Lograsso
Luetkemeyer	Luetkenhaus	Marble	May 149	Mayer
Miller	Moore	Myers	Naeger	Nordwald
Ostmann	Phillips	Portwood	Purgason	Quinn
Rector	Reinhart	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shoemaker
Surface	Townley	Troupe		

PRESENT: 000

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ABSENT WITH LEAVE: 006

Berkstresser	Curls	Green 73	Harlan	Reynolds
Van Zandt				

VACANCIES: 001

Representative Villa declared the bill passed.

HS HCS HB 1936, relating to agricluture, was taken up by Representative Shoemyer (9).

Representative Shoemyer (9) moved that **HS HCS HB 1936** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 072

Abel	Baker	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Copenhaver	Crump	Daus	Farnen	Foley
Franklin	Fraser	George	Graham	Hagan-Harrell
Harding	Harlan	Haywood	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Koller	Liese
Lowe	Mays 50	McKenna	Monaco	O'Connor
O'Toole	Overschmidt	Paone	Ransdall	Relford
Rizzo	Scheve	Seigfreid	Selby	Shelton
Shoemyer	Smith	Thompson	Treadway	Troupe
Van Zandt	Villa	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 085

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Black	Boatright	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Davis	Dempsey
Dolan	Enz	Fares	Froelker	Gambaro
Gaskill	Gratz	Griesheimer	Hampton	Hanaway
Hartzler	Hegeman	Henderson	Hendrickson	Hohulin
Holand	Holt	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 27	King	Lawson	Legan
Linton	Lograsso	Long	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Merideth
Miller	Moore	Murphy	Myers	Naeger
Nordwald	Ostmann	Phillips	Portwood	Purgason
Quinn	Rector	Reid	Reinhart	Richardson
Ridgeway	Roark	Robirds	Ross	Schwab
Scott	Secrest	Shields	Shoemaker	Skaggs
St. Onge	Surface	Townley	Vogel	Wright

PRESENT: 000

ABSENT WITH LEAVE: 005

Berkstresser Curls Green 15 Green 73 Reynolds

VACANCIES: 001

Representative Shields requested a verification of the roll call on the motion to adopt **HS HCS HB 1936**.

Representative Foley raised a point of order that a verification of the roll call on the motion to adopt **HS HCS HB 1936** is not timely.

Representative Villa requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

HS HCS HB 1650, relating to water pollution control bonds, was taken up by Representative Hoppe.

On motion of Representative Hoppe, **HS HCS HB 1650** was read the third time and passed by the following vote:

AYES: 143

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Boatright	Bonner	Boucher	Boykins
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Gratz	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Myers	Naeger	Nordwald
O'Connor	O'Toole	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

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NOES: 003

Hohulin	Murphy	Troupe
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PRESENT: 000

ABSENT WITH LEAVE: 016

Baker	Berkstresser	Bland	Bowman	Curls
Graham	Green 15	Green 73	Harlan	Hickey
Hunter	Kelley 47	Ostmann	Reynolds	Shelton
Williams				

VACANCIES: 001

Representative Villa declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Gambara
Gaskill	George	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Haywood	Henderson	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Hosmer	Jetton
Johnson 61	Jolly	Jones	Kelly 144	Kelly 27
Kelly 36	King	Koller	Lawson	Legan
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Myers
Nordwald	O'Connor	O'Toole	Overschmidt	Paone
Phillips	Purgason	Quinn	Ransdall	Reid
Reinhart	Richardson	Rizzo	Roark	Robirds
Ross	Schwab	Scott	Secrest	Seigfreid
Selby	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 009

Froelker	Hegeman	Hendrickson	Hohulin	Murphy
Portwood	Rector	Ridgeway	Troupe	

PRESENT: 000

ABSENT WITH LEAVE: 020

Baker	Berkstresser	Curls	Graham	Green 73
Harlan	Hunter	Johnson 90	Kelley 47	Liese
Lograsso	May 149	Naeger	Ostmann	Relford
Reynolds	Scheve	Shelton	Shoemaker	Williams

VACANCIES: 001

HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, relating to tampering with pharmaceuticals, was taken up by Representative Britt.

On motion of Representative Britt, **HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700** was read the third time and passed by the following vote:

AYES: 143

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Daus	Davis
Dempsey	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambara	George
Griesheimer	Hagan-Harrell	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Jolly	Jones	Kelly 144	Kelly 27	Kelly 36
King	Koller	Lawson	Legan	Linton
Lograsso	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 001

Troupe

PRESENT: 000

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ABSENT WITH LEAVE: 018

Baker	Berkstresser	Crump	Curls	Dolan
Gaskill	Graham	Gratz	Green 15	Green 73
Hampton	Harlan	Johnson 90	Kelley 47	Liese
Reynolds	Richardson	Shelton		

VACANCIES: 001

Representative Villa declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Black	Bland	Boatright	Bonner	Boucher
Bowman	Boykins	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Daus
Davis	Dempsey	Enz	Fares	Farnen
Foley	Franklin	Fraser	Froelker	Gambaro
George	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Hunter	Jetton	Johnson 61	Jolly
Jones	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Linton	Lograsso
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 001

Troupe

PRESENT: 000

ABSENT WITH LEAVE: 017

Baker	Berkstresser	Curls	Dolan	Gaskill
Graham	Gratz	Harlan	Johnson 90	Kelley 47
Liese	Naeger	Portwood	Purgason	Reynolds
Richardson	Shelton			

VACANCIES: 001

THIRD READING OF SENATE BILL

SB 1220, relating to the Gaming Commission, was taken up by Representative O'Toole.

Representative O'Toole offered **HS SB 1220**.

Representative Froelker requested a division of the question on **HS SB 1220**.

Representative O'Toole raised a point of order that the motion to divide **HS SB 1220** is not a proper division pursuant to Rule 78.

Representative Villa requested a parliamentary ruling.

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

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative O'Toole, **Part I of HS SB 1220** was adopted.

Representative Crump offered **House Amendment No. 1 to Part II**.

*House Amendment No. 1
to
Part II*

AMEND Part II of House Substitute for Senate Bill No. 1220 by inserting in the appropriate locations the following sections:

"313.500. As used in sections 313.500 to [313.710] **313.720**, unless the context clearly indicates that a different meaning is intended, the following terms mean:

(1) **"Applicant"**, any person applying for a license to be granted by the commission. If the applicant is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of a partnership or person performing similar functions for any business applying for such a license;

[(1)] (2) **"Breakage"**, the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents, **or such other amount as set by the commission**;

[(2)] (3) **"Commission"**, the Missouri [gaming] **horse racing** commission, [created in section 313.004,] or its designate;

(4) **"Commission on wagers"**, an amount retained and not returned to patrons by a licensee from the total amount of pari-mutuel wagers;

(5) **"Common pari-mutuel pool"**, a pool consisting of the pari-mutuel wagers on a race placed and

accepted at a racetrack or other facility outside the state where pari-mutuel wagers are permitted;

[(3)] **(6) "County"**, any county in the state of Missouri or the city of St. Louis;

[(4)] **(7) "Horse"**, any equine, ass, mule, pony, or hybrid thereof;

[(5)] **"Organization"**, any individual, political subdivision, state agency, partnership, unincorporated association, firm, or corporation licensed by the commission to conduct a horse racing meeting;]

(8) "Licensee", any individual, partnership, corporation, unincorporated association, firm, or other business organization licensed by the commission to conduct a race meeting and pari-mutuel wagering. If the licensee is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of the partnership or person performing similar functions for any business that holds a license;

(9) "Missouri bred horse", any equine which was foaled within this state;

(10) "Occupational licensee", any person licensed by the commission to perform an occupation associated with racing, simulcasting or pari-mutuel wagering, which the commission has identified as requiring a license;

[(6)] **(11) "Pari-mutuel wagering"**, a form of wagering on the outcome of [horse] races in which those who [wager purchase tickets] **participate place wagers** of various denominations on a horse or horses in one or more races, all wagers are pooled, and when the outcome of the race has been declared official, the total wagers comprising each pool, less such amounts provided herein or which are provided by law or rule, will be distributed to holders of winning tickets on the [winning] horse or horses;

(12) "Pari-mutuel system", a computerized system or component of a system that is used to transmit wagering data to and from a racetrack which participates in common pari-mutuel pools;

[(7)] **(13) "Public official"**, any elected member of the executive branch of state government and any director of a state department, any judge other than a judge of the municipal division of a circuit court, and any elected member of the legislative branch of state government;

(14) "Race" or "racing", any type of horse race or horse racing;

[(8)] **"Race meet" or** **(15) "Race meeting"**, [the whole period of time, whether consecutive dates or those instances where nonconsecutive dates are granted, for which a racetrack license to race has been granted to any one organization by the commission;

(9) "Racing", any type of horse racing.] **the activities conducted at a race meeting grounds including live or simulcast races, all as licensed by the commission, on any given date or series of dates;**

(16) "Race meeting grounds", a racetrack licensed by the commission and the surrounding structures and property under control of a licensee;

(17) "Simulcast", the audio and visual transmission of a live, realtime race, or series of races, provided in any manner approved by the commission;

(18) "Steward", a person designated by the commission to monitor race meetings to ensure compliance with sections 313.500 to 313.720 and regulations promulgated thereunder;

(19) "Stockholder", record owners of any class of stock and beneficial owners of any kind specified in subsection 4 of section 313.600, that constitute five percent or more of the licensee's stock or units of ownership. Notwithstanding the preceding sentence, in the event the licensee is a subsidiary of a public company, the term "stockholder" shall mean record owners of five percent or more of the licensee's stock or units of ownership, and beneficial owners who have the practical ability to control the management of a licensee. For purposes of this subdivision, "public company" shall mean any company whose stock is traded on the New York Stock Exchange, the Nasdaq National Market or any similar security exchange.

313.510. 1. There is hereby created the "Missouri Horse Racing Commission", which shall consist of five members appointed by the governor with the advice and consent of the senate. **Members of the commission shall be citizens and eligible voters of this state and shall not have been convicted of a felony. Not more than three members shall be affiliated with the same political party and not more than one member may be a resident of any one congressional district or of any single county or of the City of St. Louis. At least two of said members shall be horsemen as such term is commonly understood in the industry. Of the members first appointed, one shall be appointed for a one-year term, one shall be appointed for a two-year term, one shall be appointed for a three-year term, one shall be appointed for a four-year term, and one shall be appointed for a five-year term; and thereafter members shall be appointed for terms of five years. A minimum of twenty-five percent of all commissioners appointed shall be minorities. The governor shall designate one of the members to be chairman. The commission shall oversee the development and administration of the pari-mutuel horse racing industry in Missouri. The commission shall be assigned to the [Missouri gaming commission] department of public safety.**

2. The governor shall designate one of the members as the chair.

3. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office.

4. In the event of a vacancy on the commission due to the removal, resignation or death of a commission member, the governor shall appoint an interim commissioner to serve the remainder of the unexpired term.

5. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed on it pursuant to sections 313.500 to 313.720, related to horse racing and pari-mutuel wagering.

313.520. 1. [The horse racing commission shall not hire any person to be an employee of the commission.] Subject to appropriations, the commission may hire an executive director and such employees as it may deem necessary to carry out the commission's duties. A minimum of twenty-five percent of employees hired by the commission shall be minorities. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees that shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any race subject to the jurisdiction of the commission or from placing wagers subject to the jurisdiction of the commission. The commission shall determine if any employees of the commission or any licensee shall be subject to any restrictions on their ability to participate in any race meeting or wager at any racetrack under the jurisdiction of the commission.

2. The duties of the executive director of the [gaming] commission[, in addition to all other duties prescribed by law,] shall include the following:

(1) Taking and preserving records of all proceedings before the commission, maintaining its books, documents, and records, and making them available for public inspection;

(2) If so designated by the commission, acting as a hearing officer in hearings;

(3) Acting as the commission's chief personnel officer and supervising the employment, conduct, duties, and discipline of commission employees; and

(4) Performing other duties as directed by the commission.

3. Except as provided in subdivision [(7)] (5) of section 313.560, the officials at any race meeting, [as this term is customarily understood in racing,] including by way of enumeration only and not in limitation, placing judges, patrol judges, clerks of the scales, starters and assistants, handicapper, timer, paddock judge, veterinarians, racing secretary, and clerk of the course shall be paid by the racetrack licensee.

313.530. [Except as provided in section 313.620, all revenues derived or generated from the licensing of racetracks and] 1. **Other than revenues designated for the Missouri breeders fund pursuant to sections 313.652, 313.655 and 313.720, all revenues derived or generated from the licensing fees, racetracks, civil or administrative penalties, laboratory testing services fees, the authorization of race meetings, races [under] and wagering pursuant to sections 313.500 to [313.710] 313.720, and all moneys received by the state[, and the commission [or the director of revenue] from pari-mutuel wagering pools shall be [deposited by] transmitted to the director of revenue for deposit in the state treasury to be held in a special account to be known as the "Missouri Horse Racing Fund". Interest earned on the Missouri horse racing fund shall be credited to that fund. The money in the Missouri horse racing fund shall be deposited in the state treasury and invested by the state treasurer[, subject to appropriation as provided by the constitution and laws enacted pursuant thereto]. The Missouri horse racing fund shall be used to pay the expenses of the commission to the extent that it is sufficient to satisfy the commission's obligations.**

2. **Any surplus remaining in the Missouri horse racing fund at the end of a fiscal year shall be deposited in the state treasury to the credit of the state schools moneys fund. Moneys deposited in this fund pursuant to this section shall be considered the proceeds of racing and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the horse racing proceeds shall be credited to state schools moneys fund.**

313.540. 1. The commission shall have powers to [prescribe] **promulgate** and enforce rules and regulations governing [horse] races, [and] race meetings **and pari-mutuel wagering**. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking [racetrack] licenses and **for** setting racing dates. The commission may delegate to **its employees or to** the stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 313.500 to [313.710] **313.720**. Any decision or action of such **employees or** stewards may be appealed to the commission or may be reviewed by the commission on its own initiative.

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 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, 2002, shall be invalid and void.

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable [any of them] **it** to effectually discharge its [or his] duties, and may administer oaths or affirmations as necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas [under] **pursuant** to section 536.077, RSMo, in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its [secretary] **employees**, or the stewards, upon conviction, shall be guilty of a class D felony **and a class C felony for second and subsequent violations.**

313.560. The commission shall have all powers necessary and proper to fully and effectively execute the provisions of sections 313.500 to [313.710] **313.720** including, but not limited to, the following:

(1) The provisions of chapter 34, RSMo, to the contrary notwithstanding, the executive director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.500 to [313.710] **313.720**, provided however, that the board of public buildings shall provide the principal office space for the commission's staff. Contracts shall be awarded on the basis of lowest and best bid. The executive director shall use state purchasing procedures except for professional services or emergency purchases [necessary for the race meet] authorized pursuant to section 34.100, RSMo. No contract awarded or entered into by the executive director may be assigned by the holder thereof except with specific approval of the commission;

(2) [The commission is vested with the power to enter without a search warrant the office, horse racetrack, facilities, other places of business, residences, tack rooms, vehicles and any other premises under the control of any licensee on the grounds of a licensed association at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.710 and rules and regulations promulgated thereunder, and to discover any contraband as described in chapter 195, RSMo, or in rules promulgated pursuant to sections 313.500 to 313.710;

(3)] The commission is vested with the authority to investigate alleged violations of the provisions of sections 313.500 to [313.710] **313.720**, its reasonable rules and regulations, orders and final decisions; [the commission shall take appropriate disciplinary action, including suspension or revocation of the license, against any racetrack licensee or occupation licensee for violation thereof or institute appropriate legal action for the enforcement thereof pursuant to subdivision (10) of this section;

(4)] **(3)** The commission may eject or exclude from any race meeting [or licensee] grounds [or any part thereof, any occupation licensee or], any [other] individual whose conduct or reputation is such that his **or her** presence [on licensee grounds] may, in the opinion of the commission, call into question the honesty and integrity of [horse] racing or interfere with the orderly conduct of [horse] racing **or pari-mutuel wagering**; provided, however, that no person shall be excluded or ejected [from licensee grounds] on the grounds of race, color, creed, national origin, ancestry, or sex. The commission shall by rule provide for an expedited hearing for any occupation licensee excluded pursuant to this subsection;

[(5)] **(4)** The commission is vested with the power to acquire, establish, maintain and operate, or provide by contract testing laboratories and related facilities, for the purpose of conducting saliva, blood, urine and other tests on the horses run or to be run in any race meeting and to lease or purchase all equipment and supplies deemed necessary or desirable in connection with any such testing laboratories and related facilities and all such tests. The commission shall explore the feasibility of establishing such a testing facility at and in conjunction with the University of Missouri, College of Veterinary Medicine. The racetrack licensee shall on a per sample basis pay a fee as determined by the commission for such laboratory testing services;

[(6) The commission may require that the records, including financial or other statements of any racetrack licensee under sections 313.500 to 313.710, shall be kept in such manner as prescribed by the commission and that any racetrack licensee submit to the commission on or before March fifteenth of each year, for the preceding fiscal year of the licensee an annual audited balance sheet and profit and loss statement and any other information the commission

deems necessary in order to effectively administer sections 313.500 to 313.710 and all rules, regulations, orders and final decisions promulgated under sections 313.500 to 313.710. The fiscal year for any licensee shall be the calendar year;

(7)] **(5)** The commission shall require that there shall be three stewards at each horse race meeting, who shall be appointed by the commission **and unless directed by the commission, at least one steward shall be certified by the Association of Racing Commissioners International or equivalent organization.** They shall be paid for by the state and shall be considered state employees for all purposes. Stewards appointed by the commission, while performing duties required by sections 313.500 to [313.710] **313.720** or by the commission, shall be entitled to the same rights and immunities as granted to commission members and employees [under] **pursuant to** section 313.570;

[(8)] **(6)** The commission is vested with the power to impose civil penalties of up to five thousand dollars against [individuals] **occupational licensees** and up to ten thousand dollars against [organizations] **licensees** for each violation of any provision of sections 313.500 to [313.710] **313.720**, any rules adopted by the commission, any lawful order of the commission or any other action which, in the commission's discretion, is found to be a detriment or impediment to [horse] racing **or pari-mutuel wagering.** Such penalties, when recovered, shall be paid into the Missouri horse racing fund. Any civil penalties so imposed shall be sued for by the attorney general in the name of the state;

[(9)] **(7)** The commission may request that the attorney general make investigations, on behalf of and in the name of the commission, and bring suits or institute proceedings for any of the purposes necessary and proper for carrying out the functions of the commission;

[(10)] **(8)** The commission may request that the Missouri state highway patrol investigate or participate in such matters as it deems necessary. The Missouri state highway patrol shall have authority to investigate the commission relative to the operation and administration of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720**, and to report suspected violations of state law or federal law by the commission to the proper prosecuting authorities. In the event that a violation of state law is reported to the proper prosecuting authority and no prosecution is commenced within thirty days for alleged violations, the attorney general shall have authority to commence prosecution for alleged violations of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** or other criminal statutes alleged to have been violated. The cost of personnel and related expenses in the Missouri state highway patrol, including the division of drug and crime control, to accomplish the purposes of this section shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

313.561. In addition to the powers granted to the commission in section 313.560, the commission shall have the following powers and duties relating to applicants and licensees:

(1) To investigate the qualifications of each applicant pursuant to sections 313.500 to 313.720 before any license is issued and to continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with the licensee;

(2) To deny any application or limit, condition, restrict, revoke, or suspend a license of any person for any cause deemed reasonable by the commission. Any person aggrieved by any action of the commission authorized in this subdivision may appeal such action to the appropriate circuit court;

(3) To adopt standards for the conduct of pari-mutuel wagering on the race meeting grounds, except that the commission shall not permit a licensee to accept pari-mutuel wagers unless its facility on the race meeting grounds:

(a) Is designed to seat patrons comfortably, with multiple screens to enable each patron to view simulcast races;

(b) Is suitable for licensing by the division of liquor control; and

(c) Has food and beverage services available at all hours the facility is open to the public for race meetings;

(4) To require a licensee to remove any person from the race meeting grounds facility if such person violates any provision of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder or if such person engages in fraudulent practices;

(5) To enter without a search warrant the office, race meeting grounds, other places of business, tack rooms, vehicles, and any other premises under the control of any licensee at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.720 and the rules and regulations promulgated thereunder, and to discover any substance or item regulated in chapter 195, RSMo, or by rules and regulations promulgated pursuant to sections 313.500 to 313.720;

(6) To require that the records, including financial or other statements of any licensee pursuant to sections 313.500 to 313.720, shall be kept in such manner as prescribed by the commission and that any licensee

submit to the commission on or before a date certain each year established by the commission, for the preceding fiscal year of the licensee an annual audited balance sheet and profit-and-loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.720 and all rules, regulations, orders, and final decisions promulgated pursuant to sections 313.500 to 313.720. The fiscal year for any licensee shall be the calendar year; and

(7) The commission may levy administrative penalties of up to two thousand dollars per day against a licensee who violates the provisions of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder.

313.562. A holder of any license shall be subject to impositions of penalties, suspension or revocation of such license, or other action for any act or failure to act by such person or such person's agents or employees, that is injurious to the public health, safety, morals, good order, and general welfare of the people of this state or that would discredit or tend to discredit the Missouri horse racing industry or this state unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this section, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provisions for compliance with sections 313.500 to 313.720, the rules and regulations of the commission or any federal, state, or local law or regulation;

(2) Failing to comply with any rule, order, or ruling of the commission or its agents pertaining to horse racing or pari-mutuel wagering;

(3) Being suspended or ruled ineligible or having a license associated with horse racing revoked or suspended in any state or jurisdiction;

(4) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and who would adversely affect public confidence and trust in horse racing or pari-mutuel wagering;

(5) Employing in any horse racing operation or associated facility any person known to have been found guilty of cheating or using any improper device in connection with any horse race, pari-mutuel wagering operation, or other type of gaming;

(6) Use of fraud, deception, misrepresentation, extortion, threats, or bribery in securing any permit or license issued pursuant to sections 313.500 to 313.720;

(7) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, misrepresentation, extortion, or threats;

(8) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties regulated by sections 313.500 to 313.720.

313.580. 1. Pari-mutuel wagering shall only be conducted within the grounds or enclosure of a racetrack licensed by the commission and shall only be conducted with respect to [horse] races [and], race meetings [which have been authorized by the commission at such licensed racetrack] or simulcasts. **No gaming devices or practices shall be allowed on the race meeting grounds other than those devices and practices necessary to conduct pari-mutuel wagering on live races or the simulcast of live races.**

2. No [organization] **entity** shall conduct pari-mutuel wagering on [horse] racing without a valid [racetrack] license issued by the commission [with respect to the conduct of horse racing and race meets authorized by the commission]. Any [organization] **entity** desiring to conduct pari-mutuel wagering on [horse] racing shall apply to the commission for a [racetrack] license and shall provide the information required by the commission before a license may be issued.

[2.] 3. The commission shall not issue any [racetrack] license to any [individual or organization] **applicant**:

(1) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of a felony;

(2) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of or pleaded nolo contendere to any illegal gambling activity; or

(3) Who is or which has an officer, director, **member, manager**, or stockholder who is not of good moral character. [As used in this subsection, the term "stockholder" shall mean record owners of any class of stock, and beneficial owners of any class of stock as provided in subsection 4 of section 313.600, which constitutes two percent or more of the licensee's stock.]

- 3.] **4.** The commission shall not issue any license for a racetrack unless the commission has first determined:
- (1) That the applicant would be a suitable licensee;
 - (2) That a licensed racetrack at the proposed location would be in the public interest;
 - (3) That the proposed racetrack operation is economically feasible;
 - (4) That the proposed racetrack's establishment would not be detrimental to the development of a sound [horse] racing program for Missouri;
 - (5) That any financing of applicant's proposed operations is adequate and comes from a source that is not detrimental to the public interest; [and]
 - (6) That the applicant has complied with all requisite provisions of law and of rules and regulations promulgated by the commission; **and**
 - (7) That the proposed racetrack would be located within a county in which a majority of the voters have approved excursion gambling boats.**

[4.] **5.** If any organization is ineligible to be granted a [racetrack] license because of any of the matters set forth in this section, any other affiliated organization or person that is either controlled, directly or indirectly, by such ineligible organization or person shall also be ineligible.

[5.] **6.** The commission shall only license the number of racetracks and authorize the number of races which it determines to be in the public interest and economically feasible.

7. Licenses granted by the commission shall be valid until revoked by the commission for cause following proper notice and an opportunity for hearing.

8. No public funds or powers of eminent domain shall be used for the purchase, construction, operation, or maintenance of any privately-owned race meeting grounds, nor shall any redevelopment plan be adopted pursuant to sections 99.800 to 99.865, RSMo, after January 1, 2002, for tax-increment financing projects that include privately-owned race meeting grounds.

313.583. 1. An application to receive a license constitutes a request for a determination of the applicant's general character, integrity, and suitability for licensure. Such determination shall be made by the commission after due investigation of the applicant. The applicant for such license shall file with its application an application fee of fifty thousand dollars. If the cost of the commission's investigation exceeds the total amount of the fee paid by the applicant pursuant to this section, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual costs of the investigation.

2. Applications for a license shall be made, processed, and determined using such forms as the commission may require. The application shall fully identify the applicant, include evidence of the financial responsibility of the applicant, describe the names and identification of those who will supervise the wagering, describe the controls and supervision by the licensee and describe the general physical layout of the track and its location.

3. In acting on applications for licenses, the commission shall require all applicants to implement a good faith affirmative action effort and to furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; a copy of the equal employment opportunity statement and policy of the applicant dated and signed by the chief executive officer; and a copy of the affirmative action policy and procedures of the applicant dated and signed by the chief executive officer; and identification of the affirmative action officer, including name, title, address, and telephone number.

313.585. 1. The commission shall not issue a license to operate to an applicant unless the applicant affirms that it will make a capital investment in its race meeting grounds in Missouri exceeding ten million dollars within the first forty-two months after licensure, and that it will conduct at least:

- (1) Twenty days of live racing in this state within eighteen months following licensure;
- (2) Thirty days of live racing in this state during the next twelve-month period; and
- (3) Fifty days of live racing in this state during each twelve-month period thereafter.

The commission shall only have authority to waive, suspend, or modify the provisions of this section in the event that circumstances beyond the control of the applicant or licensee prevent the applicant or licensee from complying with such requirements.

2. In the event that a licensee does not make a capital investment or own and operate a live racetrack that

conducts the minimum number of days of live racing in Missouri as set forth in subsection 1 of this section, the commission shall restrict, revoke, suspend, or place on probation the licensee's right to operate until the licensee adequately demonstrates an ability to satisfy the requirements of subsection 1 of this section.

3. The commission shall not issue a license to any applicant unless the applicant establishes by clear and convincing evidence that it will timely arrange for the capital investment in its race meeting grounds as set forth in subsection 1 of this section so as to demonstrate a significant financial commitment to the host community.

4. The commission shall not issue a license to any applicant except upon the express condition and representation that the licensee shall not, by any lease, contract, understanding or arrangement of whatever kind or nature, grant, assign, transfer or turn over to any person, corporation, partnership or business, the ownership, operation or management of the track without the prior approval of the commission. Nothing contained in this section prohibits:

(1) The licensee from paying a percentage of the amounts wagered at its race grounds to a track for the right to be part of a common pari-mutuel pool and for the right to receive a simulcast from such racetrack; or

(2) The licensee from paying a percentage of the amounts wagered at its race grounds to an individual, corporation, partnership, or other entity as compensation for the services of a pari-mutuel system.

313.587. 1. A licensee shall not use a pari-mutuel system unless the system has been approved for use by the commission. The physical location of the system may be in a state other than Missouri. A pari-mutuel wagering system shall:

(1) Include a fully redundant computer;

(2) Receive, aggregate by pool, and report to a track at regular intervals, all pari-mutuel wagering information received from the licensee;

(3) Receive and report to the licensee at regular intervals all wagering data received from the racetrack to the system;

(4) After each race on which pari-mutuel wagering is conducted and which is declared official, receive and report to the licensee the results and payoff prices reported by the track; and

(5) Provide all accounting and reconciliation reports required by the commission.

2. Operators of the pari-mutuel system shall:

(1) Be subject to such regulatory supervision as the commission deems appropriate;

(2) Put in place and use communication equipment to supplement that used to transmit simulcasts and to facilitate the pari-mutuel wagering system to ensure that the operator is:

(a) Able to contact each licensee immediately; and

(b) Able at all times to respond immediately to licensee requests for confirmation of information included in the simulcasts or otherwise generated by the pari-mutuel system.

313.590. A [racetrack licensed under section 313.580] **licensee** shall post a bond payable to the state of Missouri, before the license is issued, in an amount set by the commission, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee **satisfies its obligation to maintain all facilities for which it is licensed**, faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing and wagering activity in conformity with sections 313.500 to [313.710] **313.720** and the rules adopted by the commission. The bond shall not be canceled or assigned by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

313.600. 1. [Whenever any organization has been granted a racetrack license to conduct a horse race meeting,] No officer or director of [such organization] **a licensee**, or person [who will thereby] **proposed to** become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidence of ownership] **a stockholder** in such [organization] **licensee**, may become [the owner or holder, directly or indirectly, of any such shares of stock or certificates or other evidence of ownership] **a stockholder** without first having obtained the approval of the commission. The commission may, after hearing, revoke or suspend a [racetrack] license granted to any [organization] **licensee** which shall register on its books in the name of any such officer, director, or person its share of stock or certificate or other evidence of ownership of any interest in the organization without the prior approval of the commission or which shall knowingly permit any such officer, director, or person to be directly or indirectly interested in its share of stock or certificates or other evidences of ownership of any interest in the organization without reporting the same to the commission or which violates any rules or regulations of the commission.

2. Whenever the commission shall give to any officer or director of any [organization] **licensee**, or person [who

will thereby] **proposed to** become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidences of ownership of any interest in an organization] **a stockholder in a licensee**, its approval to [own or hold the shares of stock or certificates or other evidences of ownership of any interest] **become a stockholder** in any such [organization] **licensee**, it shall, by registered mail, notify the organization of such approval. Under no circumstances shall the commission give such approval to any such officer, director or person who has been convicted of or is under an indictment for a crime involving moral turpitude [or has violated any provisions of the racing law of any state or any rules or regulations of the commission of any state] **or a felony**.

3. The commission shall require all licensees, including any officers and stockholders thereof, to disclose fully to the commission all financial interests that they may have in horse racing **that are deemed relevant by the commission**.

4. The commission shall require each licensee [under] **pursuant to** this section to maintain records [of owners of stock of the licensee so that the names of all persons, including corporations, trusts, estates, and partnerships, who are the beneficial owners of the stock are disclosed] **its stockholders**, regardless of the manner in which, or whether, the ownership interest is stated or registered on the stock of the licensee. **For purposes of determining stockholders**, beneficial ownership includes, but is not limited to record ownership and:

(1) Stock or other ownership in one or more entities in a chain of parent and subsidiary or affiliated entities, any one of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or

(2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement, or other arrangement, even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, are beneficially owned by the individual.

5. In addition to any other action which is necessary to obtain disclosure of [beneficial ownership of stock] **stockholders**, the commission shall require each licensee, at least once every calendar year, to obtain, pursuant to written notice to the [record owners of all stock] **stockholders** of the licensee, an affidavit from each [record owner owning two percent or more] **stockholder**, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

(1) Whether any person other than the affiant has any right of beneficial ownership of any kind in the stock held in the name of the affiant;

(2) The name and address of the other person; and

(3) The amount and nature of the ownership.

6. If the licensee receives information indicating that a person other than the record owner has a beneficial ownership interest in stock of the licensee, the licensee shall request promptly by written notice to the other person, that this person submit to the licensee within sixty days from the date of the notice an affidavit, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

(1) Whether the affiant has any right of ownership in stock of the licensee attributed to the affiant in the notice and the amount and nature of the ownership;

(2) Whether any person other than the affiant and the record owner has any right of ownership of any kind in stock of the licensee attributed to the affiant by the notice to the affiant; and

(3) The amount and nature of the ownership of any other person.

7. Notwithstanding the affidavit requirements of this subsection, the commission may limit the ownership that must be reported in an affidavit to [two] **five** percent or more of the beneficial ownership of the licensee.

8. Each licensee shall submit the ownership records and affidavits required by this section to the commission annually and at the other times required by the commission. Any change in the [record ownership or beneficial ownership of stock] **stockholders** of any licensee shall be reported promptly to the commission. Upon the failure of any licensee to maintain and report records of ownership of stock, as required by this subsection, or the failure of any licensee to make a reasonable effort to obtain the affidavits required by this subsection, the commission shall suspend or revoke the license of the track for a period determined by the commission.

9. All statements required to be filed with the commission shall be filed under oath and shall be signed by the officers of the corporation, or, if unincorporated, by the owner or all the partners, general and limited, of the licensee.

313.605. 1. [In addition to the provisions of subsection 1 of this section,] No [organization] **entity** shall be granted a [racetrack] license [to hold a race meeting in this state] and the commission may revoke or suspend a [racetrack] license if any public official of the state or his or her spouse, children or parents hold any financial interest, directly or indirectly, in the shares of stock or certificates or other evidences of ownership in [the organization] **such entity or licensee**. **No entity shall be granted a license and the commission may revoke or suspend a license if**

any stockholder of a licensee has any financial interest, directly or indirectly, in the ownership of any other gaming activity or gaming business unrelated to horse racing.

2. No [organization which has been granted a racetrack license to hold a race meeting] **licensee** shall give to any public official or his or her spouse, children or parents, directly or indirectly, for or without consideration any interest in shares of stock or certificates or other evidences of ownership [in the organization]. The commission shall, after hearing, revoke the [racetrack] license granted to [an organization] **any entity** which has violated this subsection.

313.610. Any [organization] **entity** conducting a horse race [or race meeting] at which pari-mutuel wagering is conducted without a valid license issued pursuant to sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** shall upon conviction be guilty of a class B felony.

313.620. 1. The commission shall prescribe by rule the amount and frequency of [application fees and] per day licensing fees for racetracks where pari-mutuel wagering is permitted.

2. The commission may prescribe by rule license fees for race [meets] **meetings** with respect to which pari-mutuel wagering is conducted.

3. All funds received from application fees, per day licensing fees and other licensing fees shall be **collected by the commission and transmitted to the department of revenue to be** deposited in the [state treasury to the credit of the general revenue fund, and shall not be transferred except by appropriation as provided by the constitution and laws enacted pursuant thereto] **Missouri horse racing fund.**

313.630. 1. **Each licensee shall pay to the commission an admission fee of three dollars for each person entering the race meeting grounds. All revenue received by the commission from the race meeting grounds admission fee shall be deposited in the state treasury by the commission to the credit of the Missouri horse racing fund.**

2. In lieu of any state or local sales tax on the gross receipts from admissions paid by persons attending the races and in lieu of any state or local amusement or entertainment tax, there is hereby imposed on each [organization licensed to conduct horse races under the provisions of sections 313.510 to 313.710] **licensee** a tax equal to ten percent of all moneys received each day from admissions paid by persons attending the [races] **race meeting** for deposit in the [state treasury to the credit of the general revenue fund. The general assembly shall appropriate money from general revenue, up to one-half of the amount credited annually pursuant to this section, to municipalities and counties in the area in which races are conducted to assist the funding of services and facilities required by the conduct of racing in such municipality or county. Any county or municipal racing authority shall be subject to the rules and regulations of the commission] **Missouri horse racing fund.**

313.631. Every [organization licensed to conduct horse races under the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710] **licensee** shall so keep its books and records as to clearly show the true number of admissions **to its race meeting**, the total amount of money contributed to each pari-mutuel pool on each race [separately] **run at its track, the total amount of money contributed to each pari-mutuel pool on which it accepts wagers**, and the amount of money received daily from admission fees and within thirty days after the conclusion of every [race meeting] **month**, shall submit to the commission a complete accounting of all such receipts and admissions.

[313.632. All contracts and agreements for the payment of money and all salaries, fees and compensation paid by any organization licensed as hereinbefore provided, and all proposed extensions, additions, or improvements to the buildings, stables, improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission.]

313.640. 1. Every individual participating in horse racing, whether as a [racetrack] licensee, holder of any interest in a [racetrack license] **licensee**, association employee, concessionaire contract holder, and owner or general manager of same, concessionaire employee, or racing official, and all other individuals whose duties require them to be present on [association premises] **race meeting grounds** during racing hours, or to regularly visit such premises during racing hours, are required to have an occupation license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession, or skill. The following individuals are not required to obtain an occupation license:

- (1) Public officers and public employees engaged in the performance of their official duties; and
- (2) Individuals exempted by the commission.

License applicants shall be required to furnish to the commission a set of fingerprints and a recent photograph and shall be required to be refingerprinted or rephotographed periodically.

2. Each application for an occupation license shall be on forms prescribed by the commission. Such occupation license, when issued, shall be for a period up to one year, except that the commission in its discretion may grant up to

three-year licenses. **An occupational license shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated his or her suitability to be licensed. The commission may reopen occupational licensing hearings at any time.** The application shall be accompanied by a license fee which shall be set by the commission. Each applicant **for an occupational license** shall set forth in the application his **or her** full name and address, and if he **or she** has been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his **or her** age, whether a permit or license issued to him **or her** in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the commission may require. [The commission shall also determine fees for registration of stable names. Fees collected for registration of stable names shall be deposited in the state treasury to the credit of general revenue and subject to appropriation as provided by law.]

3. The commission may in its discretion refuse an occupation license to any individual:

- (1) Who has been convicted of a crime;
- (2) Who is unqualified to perform the duties required of such applicant;
- (3) Who fails to disclose or states falsely any information called for in the application;
- (4) Who has been found guilty of a violation of sections 313.500 to [313.710] **313.720** or of the rules and regulations of the commission;
- (5) Whose occupation license or permit has been suspended, revoked, or denied for just cause in any state;
- (6) Who is a past or present member or participant in organized crime as such membership or participant may be found or determined by the commission;
- (7) Who is an illegal alien;
- (8) Who is an employee of the commission or any spouse, child, brother, sister, or parent of an employee or member of the commission; or
- (9) For any other just cause.

4. The commission may suspend or revoke any occupation license:

- (1) For violation of any of the provisions of sections 313.500 to [313.710] **313.720**; or
- (2) For violation of any of the rules or regulations of the commission; or
- (3) For any cause which, if known to the commission, would have justified the commission in refusing to issue such occupation license; or
- (4) For any other just cause.

5. [At least eighty percent of all individuals employed directly at each and every race meeting by an organization licensed to conduct horse racing under sections 313.500 to 313.710 shall be residents of the state of Missouri for a period of ninety days next preceding the date of employment and during the course of employment.

6.] In acting on applications for organization licenses, the commission shall require all applicants to implement a good faith affirmative action effort to recruit, train, and upgrade minorities in all classifications of employment by the applicant. The applicant shall furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of Equal Employment Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer; and a copy of Affirmative Action Policy and Procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

313.652. 1. Any [organization licensed by the commission to conduct a horse race meeting] **licensee** may provide places in the race meeting grounds or enclosure and may conduct and supervise therein the pari-mutuel system of wagering by patrons [of] **on the** [horse] races conducted by such organization licensee at such **race meeting or on simulcasts**.

2. No other [place or] method of betting, pool making, wagering, or gambling shall be used or permitted by the [racetrack] licensee. Each [racetrack] licensee shall deduct the following amounts on all **live** races conducted by it: eighteen percent of the regular mutuel pool, twenty percent of the multiple mutuel pool involving two horses, and twenty-five percent of the multiple mutuel pool involving three or more horses. **Simulcasting shall be taxed at the same rate as live racing as provided in sections 313.652 & 313.655.** "Regular mutuel pool" means a separate wagering pool in which an interest is represented by a single ticket evidencing a single wager on one horse. "Multiple mutuel pool" means a separate wagering pool in which an interest is represented by a single wager on two or more horses. For the first one hundred million dollars of the total pari-mutuel pool for [the licensed race meeting] **live races**, each racetrack licensee shall apply the amounts deducted as follows:

- (1) One percent of the regular mutuel pools, one and one-quarter percent of the multiple mutuel pools involving

two horses, and one and one-half percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing **a majority of the horsemen and the tracks**, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Eight and one-half percent of the regular mutuel pools, nine and one-quarter percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

3. For the next fifty million dollars of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period**, each racetrack licensee shall apply the amount deducted as follows:

(1) Two percent of the regular mutuel pools, two percent of the multiple mutuel pools involving two horses, and two percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Seven and one-half percent of the regular mutuel pools, eight and one-half percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

4. For all amounts of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period** in excess of one hundred fifty million dollars, each racetrack licensee shall apply the amount deducted as follows:

(1) Four percent of the regular mutuel pools, four percent of the multiple mutuel pools involving two horses, and four percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Six and one-half percent of the regular mutuel pools, seven and one-quarter percent of the multiple mutuel pools involving two horses, and nine and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Seven percent of the regular mutuel pools, eight percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

5. Each [racetrack] licensee shall pay to the commission, within three days after each day of racing, a tax at the rate specified in this section on the total amount of money wagered on all races that day. The payment of the tax shall be accompanied by a statement of the [racetrack] licensee, or his **or her** duly authorized agent under oath, showing the amount of money wagered that day.

6. Breakage paid in the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, breakage may be used for these purposes.

7. Unclaimed winnings paid into the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, unclaimed winnings may be used for these purposes.

[8. All moneys provided for breeder incentives shall not lapse and interest earned on such moneys shall be credited the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, these funds shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.]

313.655. 1. [An organization licensed to conduct racing in this state, with the approval of the commission,] **Any licensee** may contract to conduct pari-mutuel wagering on a simulcast of horse races held at racetracks in this state or other states or countries where the conduct of racing and wagering is permitted by law.

2. Any wagering made under this section shall take place within the confines of the licensee's [racetrack] **race meeting grounds** pursuant to rules promulgated by the commission. [The licensed racetrack may simulcast up to, but not more than the number of days in which it conducts live racing.] **A licensee may conduct pari-mutuel wagering on simulcasts with no limit on the number or frequency of such simulcasts at locations within its race meeting grounds.**

3. Computation of the total takeout and breakage for wagering made under this section shall be the same as that normally applicable to racing conducted by the [licensee] **racetrack at which the races in question are held, as determined by the commission.**

4. After deducting from the takeout the applicable tax of this state on the entire **portion of the pari-mutuel pool originating within the confines of the licensee's race meeting grounds**, the amount to be paid under the terms of the contract to the racetrack from which the race or races will be simulcast, and the cost of transmission, the remainder shall be allocated in the same proportions as normally applicable to racing conducted by the licensee.

5. The terms and conditions of any contract [with a racetrack] **for simulcasting from race meeting grounds** made [under] **pursuant to** this section are subject to the approval of the respective groups which represent a majority of the horsemen racing at the track licensed by the commission [and a majority of the applicable breeders in this state].

[6.] The provisions of the Federal Interstate [Horseracing] **Horse Racing** Act of 1978, Title 15, Sections 3001 [through] to 3007, [U.S. Code] U.S.C., **as amended**, shall be instructive regarding the intent of this [section] **subsection.**

6. A licensee may contract with a race track or off-track betting system in another jurisdiction outside Missouri so that the licensee's live races are the subject of simulcasting outside this state. Pari-mutuel wagering on the licensee's live races is permitted when approved by the licensee and conducted in accordance with the Interstate Horse Racing Act of 1978, Title 15, Section 3001 to 3007, U.S.C. as amended. The revenue that a licensee receives from such simulcast wagering shall be retained by the licensee, subject to a deduction of that amount allocated to purse money as determined by an agreement between the licensee and the organization that represents a majority of the horsemen racing at the track.

313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutual system of wagering on [horse] racing or for a fee deliver anything of value which has been received outside of the [enclosure of a racetrack holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutual pool within such enclosure.

2.] **race meeting grounds licensed pursuant to sections 313.500 to 313.720.** Any individual violating the provisions of this section shall upon conviction be guilty of a class C felony.

2. A person is guilty of a class A misdemeanor for any of the following:

(1) Operating pari-mutuel wagering without a license issued by the commission; or

(2) Operating pari-mutuel wagering where wagering is permitted other than in the manner specified by sections 313.500 to 313.720.

313.662. A licensee shall allow patrons to cash an outstanding pari-mutuel ticket for a given race up to one hundred eighty days from the date on which said race is made official. Tickets which are not redeemed within such time become valueless and the sum of money represented by such tickets, including breakage, accrue to the licensee.

313.670. 1. No [racetrack] licensee shall knowingly permit any individual under the age of eighteen years unless accompanied by a parent or guardian over the age of eighteen to be admitted to any pari-mutual wagering area during a race meeting, nor shall any [racetrack] licensee knowingly permit any person under the age of eighteen years to wager on any [horse] race conducted by the [organization] licensee.

2. No individual under the age of eighteen years shall knowingly make or attempt to make any wager on any horse race subject to the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720.**

3. Any individual who violates this section shall upon conviction be guilty of a class A misdemeanor.

[313.710. A program to encourage and award the owners and breeders of Missouri-bred horses that win horse races in this state may be established by rules and regulations promulgated by the commission.]

313.720. 1. There is hereby created a "Missouri Breeders Fund", which shall not represent revenue collected and moneys received by the state. **The fund shall be used to establish a program to encourage and reward the owners and breeders of Missouri-bred horses that win races in this state. Such a program may be established by rules and regulations promulgated by the commission. The program shall include a "Missouri-Bred" event within two years of the first race held and such event will be held at least five times each calendar year or such greater number as prescribed by the commission.**

2. The fund shall consist of those funds set aside for breeder incentives as provided in [section 313.710] **sections 313.500 to 313.720**, such registration fees for the owners and breeders of Missouri-bred horses as the commission may provide by rule, such gifts, or bequests as the fund may from time to time receive and such funds as the general assembly may provide. [Any gift or bequest shall be credited to such account as the donor or devisee may provide. If no specific account is provided by the donor or designee, such gift or bequest shall be divided equally among the three accounts.]

3. The Missouri breeders fund shall be administered by the commission, with the advice and assistance of advisory committees designated for that purpose by the rules of the commission. The commission shall, at least biennially, carry out such audits as provided by rule. The costs of administration shall be borne by the fund. The commission shall have authority to promulgate such rules as may be necessary or desirable for the efficient operation of the Missouri breeders fund and to provide incentives for breeders and owners of Missouri-bred horses.

4. The Missouri breeders fund shall not lapse and the interest earned on such fund shall be credited to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, funds in the Missouri breeders fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

Section 1. The district shall award at least twenty-five percent of the aggregate dollar amount of all contracts to provide goods and services to the commission to minority business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission. Any contract awarded to any horse race commission contractor or vendor shall provide that such contractor or vendor shall award a minimum of twenty-five percent of subcontracted business to minority business enterprises as defined by the office of administration."; and

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

Representative Kelley (47) raised a point of order that **House Amendment No. 1** is not germane to **Part II**.

Representative Boatright raised an additional point of order that **House Amendment No. 1** goes beyond the scope of the bill.

The Chair ruled the points of order not well taken.

On motion of Representative Crump, **House Amendment No. 1 to Part II** was adopted by the following vote:

AYES: 076

Abel	Barnitz	Barry 100	Berkowitz	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Byrd	Carnahan	Clayton	Copenhaver
Crump	Davis	Dolan	Farnen	Foley
Franklin	Fraser	Gambaro	George	Gratz
Green 15	Green 73	Hagan-Harrell	Haywood	Hickey
Hilgemann	Hollingsworth	Holt	Hoppe	Johnson 61
Johnson 90	Jones	King	Koller	Lograsso

Long	Lowe	Luetkenhaus	Mays 50	McKenna
Merideth	Monaco	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Paone	Ransdall	Relford
Richardson	Ridgeway	Rizzo	Scheve	Seigfreid
Selby	Shelton	Shoemyer	Thompson	Townley
Troupe	Villa	Vogel	Walker	Walton
Ward	Whorton	Williams	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 070

Baker	Ballard	Barnett	Bartelsmeyer	Bartle
Bearden	Behnen	Black	Bland	Boatright
Burcham	Burton	Campbell	Champion	Cooper
Crawford	Crowell	Cunningham	Daus	Dempsey
Enz	Froelker	Gaskill	Griesheimer	Hampton
Hanaway	Harding	Hartzler	Hegeman	Henderson
Hendrickson	Hosmer	Hunter	Jetton	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	Lawson
Linton	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Moore	Myers	Nordwald
Phillips	Portwood	Purgason	Quinn	Rector
Reid	Reinhart	Roark	Robirds	Ross
Schwab	Scott	Secrest	Shields	Smith
St. Onge	Surface	Treadway	Willoughby	Wright

PRESENT: 001

Fares

ABSENT WITH LEAVE: 015

Berkstresser	Cierpiot	Curls	Graham	Harlan
Hohulin	Holand	Legan	Liese	Murphy
Reynolds	Shoemaker	Skaggs	Van Zandt	Wagner

VACANCIES: 001

Representative Kelley (47) offered House Amendment No. 2 to Part II.

House Amendment No. 2
to
Part II

AMEND Part II of House Substitute for Senate Bill No. 1220 by inserting on Page 10 after Line 22, the following:

"313.232. 1. After August 28, 2002, the commission shall not implement or operate any keno game unless it is authorized to do so pursuant to statutory authority or approval by the voters of this state.

2. For the purposes of this section, "keno" shall mean a game of chance where each player is given one or more sheets that have a panel of numbers from which the player chooses certain numbers by marking his or her selections and placing a bet with a clerk who verifies the numbers the player has chosen. A certain amount of numbers are then chosen at random by the person or persons running the keno game and a player wins by matching his or her selected numbers with the numbers that have been chosen at random. A player is paid according to a schedule of payment provided by the person or persons who are running the game. A keno game may also use video or electronic equipment. Keno shall not include the game of bingo as defined in section 313.005."; and

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

On motion of Representative Kelley (47), **House Amendment No. 2 to Part II** was adopted by the following vote:

AYES: 089

Baker	Ballard	Barnett	Bartelsmeyer	Bearden
Behnen	Black	Boatright	Brooks	Burcham
Burton	Byrd	Champion	Cierpiot	Cooper
Crawford	Crowell	Cunningham	Daus	Dempsey
Enz	Fares	Froelker	Gaskill	Gratz
Green 15	Griesheimer	Hanaway	Harding	Hartzler
Hegeman	Henderson	Hendrickson	Hohulin	Holand
Holt	Hosmer	Hunter	Jetton	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King
Koller	Lawson	Legan	Linton	Lograsso
Long	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Moore	Murphy	Myers
Nordwald	Phillips	Portwood	Purgason	Quinn
Rector	Reid	Reinhart	Richardson	Ridgeway
Roark	Robirds	Ross	Schwab	Scott
Secrest	Selby	Shields	Shoemaker	Shoemyer
Skaggs	Smith	Surface	Townley	Troupe
Vogel	Walker	Whorton	Wright	

NOES: 057

Abel	Barnitz	Barry 100	Berkowitz	Bland
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Campbell	Carnahan	Clayton	Copenhaver
Crump	Davis	Farnen	Foley	Franklin
Gambaro	George	Green 73	Hagan-Harrell	Hampton
Haywood	Hickey	Hilgemann	Hollingsworth	Hoppe
Johnson 90	Jones	Lowe	Luetkenhaus	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Overschmidt	Paone	Ransdall	Relford	Rizzo
Seigfreid	Shelton	Thompson	Treadway	Van Zandt
Villa	Walton	Ward	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 016

Bartle	Berkstresser	Curls	Dolan	Fraser
Graham	Harlan	Johnson 61	Liese	Naeger
Ostmann	Reynolds	Scheve	St. Onge	Wagner
Williams				

VACANCIES: 001

On motion of Representative O'Toole, **Part II of HS SB 1220, as amended**, was adopted.

On motion of Representative O'Toole, **Part III of HS SB 1220** was adopted.

Representative Relford offered **House Amendment No. 1 to Part IV.**

*House Amendment No. 1
to
Part IV*

AMEND Part IV of House Substitute for Senate Bill No. 1220 by placing the following in the appropriate position:

"313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county **for ten years after the excursion boat has first admitted persons for gambling. After ten years from the date when the excursion boat begins admitting persons for gambling, fifty cents of such fee shall not be considered state funds and shall be paid to the home dock city or county, and fifty cents shall be paid to trust funds created for law enforcement and fire protection with twenty-five cents going to the trust fund for law enforcement and twenty-five cents going to the trust fund for fire protection. The director of the department of public safety is responsible for the administrative duties of the law enforcement and fire protection trust funds. The director shall use the money deposited in these funds solely for funding the equipment and salary needs of law enforcement and fire departments within the state.** Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business."; and

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

On motion of Representative Relford, **House Amendment No. 1 to Part IV** was adopted.

On motion of Representative O'Toole, **Part IV of HS SB 1220, as amended**, was adopted by the following vote:

AYES: 072

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Daus	Davis
Farnen	Foley	Franklin	Fraser	Gambaro

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George	Graham	Gratz	Green 15	Green 73
Hagan-Harrell	Hampton	Harding	Haywood	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Johnson 61
Johnson 90	Jolly	Jones	Kelly 27	Kelly 36
Lawson	Mays 50	McKenna	Merideth	Monaco
Nordwald	O'Connor	O'Toole	Overschmidt	Paone
Ransdall	Relford	Rizzo	Seigfreid	Selby
Shelton	Shoemyer	Treadway	Villa	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 070

Ballard	Barnett	Bartelsmeyer	Bearden	Behnen
Black	Boatright	Burcham	Burton	Byrd
Champion	Cierpiot	Cooper	Crawford	Crowell
Cunningham	Dempsey	Dolan	Enz	Fares
Froelker	Gaskill	Griesheimer	Hanaway	Hartzler
Hegeman	Henderson	Hendrickson	Hohulin	Holt
Hunter	Jetton	Kelley 47	Kelly 144	King
Koller	Legan	Linton	Lograsso	Luetkemeyer
Marsh	May 149	Mayer	Miller	Moore
Murphy	Myers	Phillips	Portwood	Purgason
Quinn	Rector	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Schwab	Scott
Secrest	Shields	Shoemaker	Skaggs	Smith
St. Onge	Surface	Townley	Vogel	Wright

PRESENT: 001

Thompson

ABSENT WITH LEAVE: 019

Bartle	Berkstresser	Curls	Harlan	Holand
Liese	Long	Lowe	Luetkenhaus	Marble
Naeger	Ostmann	Reynolds	Roark	Scheve
Troupe	Van Zandt	Wagner	Walker	

VACANCIES: 001

HS SB 1220, as amended, was laid over.

Representative Britt resumed the Chair.

PERFECTION OF HOUSE BILL

HB 1916, relating to Kansas City school board elections, was taken up by Representative Franklin.

HB 1916 was laid over.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SS#2 SCS SBs 984 & 985 - Environment and Energy
SS SCS SB 1059 - Education-Elementary and Secondary
SCS SB 1060 - Local Government and Related Matters
SS SB 1248 - Miscellaneous Bills & Resolutions

COMMITTEE REPORTS

Committee on Agriculture, Chairman Berkowitz reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **SCS SCR 47**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Banks and Financial Institutions, Chairman Liese reporting:

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SS SCS SB 884**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Banks and Financial Institutions, to which was referred **SB 895**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCR 37**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **SCR 46**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **SS SCS SBs 969, 673 & 855**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SCS SB 1070**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Education-Elementary and Secondary, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **SCR 36**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Elections, Chairman Seigfreid reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SS SCS SB 675**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Miscellaneous Bills & Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SCR 54**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HCS SCS SB 712**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **SS SB 1248**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Social Services, Medicaid and the Elderly, Chairman Ladd Baker reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **SCS SB 810**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **SS SS SCS SBs 970, 968, 921, 867, 868 & 738**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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 **HB 1151**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1715**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1768**, entitled:

An act to repeal section 511.360, RSMo, and to enact in lieu thereof one new section relating to liens of a judgement or decree on real estate.

With Senate Committee Amendment No. 1

Senate Committee Amendment No. 1

AMEND House Bill No. 1768, Page 1, Section 511.360, Line 8, by inserting after the word “rendered” the following: “**or revived**”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1814**, entitled:

An act to repeal sections 455.027, 455.060, 455.067, 455.075, 455.504 and 455.508, RSMo, and to enact in lieu thereof five new sections relating to orders of protection.

With Senate Committee Amendment No. 1

Senate Committee Amendment No. 1

AMEND House Bill No. 1814, Page 4, Section 455.504, Line 25, by inserting immediately after said line the following:

“488.610. Notwithstanding any other law to the contrary, **no victim of the crime of domestic assault, as defined in sections 565.072 to 565.074, no victim of the crime of stalking, as defined in section 565.225, and** no victim, as defined in section 595.010, RSMo, shall be required to pay the costs associated with the filing of criminal charges against the offender, or the costs associated with the **filing, issuance, registration** or service of a warrant, protection order, **petition for protection order** or witness subpoena [associated with a domestic violence offense].”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

MESSAGE FROM THE GOVERNOR

EXECUTIVE OFFICE
April 29, 2002

TO THE CHIEF CLERK OF THE
HOUSE OF REPRESENTATIVES
SECOND REGULAR SESSION
91ST GENERAL ASSEMBLY
STATE OF MISSOURI

Herewith I return to you **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1115** entitled:

"AN ACT"

To appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

On April 29, 2002, I approved said **Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1115**.

Respectfully submitted,

/s/ Bob Holden
Governor

ADJOURNMENT

On motion of Representative Boykins, the House adjourned until 10:00 a.m., Wednesday, May 1, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixtieth Day, Monday, April 29, 2002, pages 1382 and 1383, roll call, by showing Representative Cunningham voting "aye" rather than "absent with leave".

Pages 1382 and 1383, roll call, by showing Representative Kelly (144) voting "aye" rather than "absent with leave".

Pages 1382 and 1383, roll call, by showing Representatives Barry and Paone voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

CONFERENCE COMMITTEE - APPROPRIATIONS
Wednesday, May 1, 2002, 7:30 a.m. Hearing Room 3.
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS
Wednesday, May 1, 2002, 7:30 p.m. Hearing Room 3.
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS
Thursday, May 2, 2002, 7:30 a.m. Hearing Room 3.
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS
Thursday, May 2, 2002. Hearing Room 3 upon adjournment.
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS

Friday, May 3, 2002, 8:30 a.m. Hearing Room 3.
Bills in conference. SCS HCS HBs 1101 through 1112.

CONFERENCE COMMITTEE - APPROPRIATIONS

Sunday, May 5, 2002, 2:00 p.m. Hearing Room 3.
Bills in conference. SCS HCS HBs 1101 through 1112.

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, May 2, 2002, 9:00 a.m. Hearing Room 5.
Public Hearing to be held on: SB 1059

ENVIRONMENT AND ENERGY

Thursday, May 2, 2002, 8:30 a.m. Hearing Room 7.
Executive session may follow.
Public Hearing to be held on: SB 984

LABOR

Wednesday, May 1, 2002. Side gallery upon morning recess.
Executive Session to be held on: SCR 41

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, May 1, 2002, 9:15 a.m. Hearing Room 6. CANCELLED.
Executive Session to be held on: SB 894

TRANSPORTATION

Wednesday, May 1, 2002, 8:30 a.m. Hearing Room 7. AMENDED NOTICE.
Executive Session to follow.
Public Hearing to be held on: SB 721, SB 915

WAYS AND MEANS

Wednesday, May 1, 2002, 9:45 a.m. Side gallery.
Executive Session.

HOUSE CALENDAR

SIXTY-SECOND DAY, WEDNESDAY, MAY 1, 2002

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

- 1 HCS HB 1120 - Green (73)
- 2 HB 1121 - Green (73)

HOUSE BILLS FOR PERFECTION

- 1 HB 1916 - Franklin
- 2 HCS HB 1231 - Harding
- 3 HB 2097 - Copenhaver
- 4 HCS HB 1318 - George
- 5 HCS HB 1576 - Hilgemann
- 6 HCS HB 1914 - Mays (50)
- 7 HB 2137 - Crump
- 8 HCS HB 1680 - Hampton
- 9 HB 1708 - Daus
- 10 HB 1427 - Hosmer
- 11 HCS HB 1863 - Whorton
- 12 HCS HB 1923 - Barry
- 13 HB 1813 - Monaco
- 14 HB 1530 - Hoppe
- 15 HB 1721 - Shelton
- 16 HB 1211 - Smith
- 17 HB 1191 - Davis
- 18 HB 1198 - Graham
- 19 HB 1794, HCA 1 - Legan
- 20 HCS HB 1570 - Koller
- 21 HCS HB 1780 - Green (73)
- 22 HCS HB 1445 - Smith
- 23 HB 1663 - Seigfreid
- 24 HB 1596 - Harding
- 25 HB 1084 - Fraser
- 26 HCS HB 1321 & 1491 - Williams
- 27 HCS HB 1723 - Boucher
- 28 HB 1485 - Johnson (90)
- 29 HB 1439, HCA 1 - Myers
- 30 HB 1970 - Townley
- 31 HB 1052 - Ward
- 32 HCS HB 1725 - Walton
- 33 HB 1609 - Robirds
- 34 HCS HB 1828 - Cunningham
- 35 HCS HB 1407 - Riback Wilson (25)
- 36 HCS HB 1889 & 1946 - Foley
- 37 HCS HB 2065 - Ransdall
- 38 HCS HB 1077, 1187 & 1579 - Jolly
- 39 HCS HB 1599 - Lawson

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 1069 - Bray
- 2 HCS HB 1479 - Ladd Baker
- 3 HB 2160 - Britt

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 32 - Barry

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HS HB 1594, (Fiscal Review 4-29-02) - Gratz
- 3 HCS HB 1886, (Fiscal Review 4-29-02) - Rizzo
- 4 HS HB 1307 - Williams

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 2155 - Willoughby

SENATE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 SCR 46, (4-30-02) (Dougherty) - Johnson (61)
- 2 SCR 37, (4-30-02) (Dougherty) - Johnson (61)
- 3 SCR 36, (4-30-02) (Bentley) - Davis
- 4 SCS SCR 47, (4-30-02) (Childers) - Gaskill
- 5 SCR 54, (4-30-02) (Sims) -

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 988, (Caskey) - Hartzler
- 2 HCS SB 992, (Johnson) - Rizzo
- 3 SB 1124, (Dougherty) - Gambaro
- 4 SCS SB 804, (DePasco) - Sanders Brooks
- 5 SB 639, (Caskey) - Williams
- 6 SCS SB 997, (Quick) - Willoughby
- 7 SCS SB 1132, (Kennedy) - Daus
- 8 SB 708, (Mathewson) - Lawson
- 9 SB 701, (Wiggins) - Lowe
- 10 SB 742, (Caskey) - Monaco
- 11 HCS SCS SB 1210, (Johnson) - Lawson
- 12 SB 1247, (Quick) - Willoughby
- 13 SB 1001, (Mathewson) - Crump
- 14 HCS SB 1078, (Kennedy) - Hoppe

- 15 SB 941, (DePasco) - Mays (50)
- 16 HCS SB 695, (Dougherty) - Barry
- 17 HCS SB 962, (Wiggins) - Jolly
- 18 HCS SB 1119, (Johnson) - Kelly (27)
- 19 SB 1217, (Coleman) - Boykins
- 20 SCS SB 967, (Kennedy) - Hagan-Harrell
- 21 SB 1243, (Johnson) - McKenna
- 22 HCS SCS SB 1212, (Mathewson) - Ransdall
- 23 SB 1041, HCAs 1, 2 & 3 (Russell) - Gratz
- 24 SB 1168, HCA 1 (Russell) - Gratz
- 25 SB 974, (Childers) - Koller
- 26 HCS SB 1251, (Gibbons) - Monaco
- 27 SCS SB 1163, (Steelman) - Ransdall
- 28 SB 720, (Westfall) - Hoppe
- 29 HCS SB 714, (Singleton) - Barry
- 30 SCS SB 729, (Yeckel) - Luetkenhaus
- 31 SB 891, (Kenney) - Rizzo
- 32 HCS SB 932, (Klarich) - Smith
- 33 SCS SB 1015, (Foster) - Relford
- 34 SCS SB 1071, (Klindt) - Lawson
- 35 HCS SB 1094, (Russell) - Green (73)
- 36 SB 1048, (Kenney) - Reinhart
- 37 SB 1028, (Russell) - Luetkemeyer
- 38 SB 812, (Russell) - Holand
- 39 SB 726, (Childers) - Gaskill
- 40 SB 865, (Foster) - Myers
- 41 SCS SB 918, (Klarich) - Linton
- 42 HCS SB 1102, (Westfall) - Hosmer
- 43 SB 1109, (Yeckel) - Portwood
- 44 HCS SCS SB 947, (Klindt) - Farnen
- 45 SCS SB 1207, (Bentley) - Holand
- 46 SCS SB 1151, (Kinder) - Myers
- 47 HCS SCS SB 980, (Singleton) - Hunter
- 48 SCS SB 874, (Bentley) - Franklin
- 49 HCS SB 1186, (Kenney) - Hoppe
- 50 SCS SB 1182, (Singleton) - Barry
- 51 HCS SCS SB 1202, E.C. (Westfall) - Koller
- 52 HCS SB 758, (Bentley) - Hosmer
- 53 SCS SB 1024, (Bentley) - Holand
- 54 SB 976, (Steelman) - Portwood
- 55 SB 644, (Mathewson) - Davis
- 56 SCS SB 1241, 1253 & 1189, (Coleman) - Boykins
- 57 SCS SB 966, (Kennedy) - Gambaro
- 58 SB 798, (Westfall) - Ross
- 59 SCS SB 745, (Russell) - Kelly (144)

- 60 HCS SB 950, (Gibbons) - Griesheimer
- 61 SB 1199, HCA 1 (Foster) - Bearden
- 62 HCS SCS SB 960, (Kenney) - O'Connor
- 63 HCS SCS SB 1093, (Loudon) - Hilgemann
- 64 SB 831, (Loudon) - Gambaro
- 65 HCS SCS SB 957, (Loudon) - Reid
- 66 SCS SB 656, (Rohrbach) - Luetkenhaus
- 67 HCS SCS SB 737, (Cauthorn) - Berkowitz

SENATE BILLS FOR THIRD READING

- 1 HS SB 1220, as amended (Sims) - O'Toole
- 2 SS SCS SB 959, E.C. (Kenney) - Rizzo
- 3 HCS SS SB 1248, E.C. (Mathewson) - Foley
- 4 HCS SS SS SCS SB 970, 968, 921, 867, 868 & 738, (Westfall) - Koller
- 5 HCS SB 895, (Yeckel) - Liese
- 6 HCS SS SCS SB 675, E.C. (Yeckel) - Seigfreid
- 7 SS SCS SB 884, (DePasco) - Liese
- 8 HCS SCS SB 810, (Dougherty) - Ladd Baker
- 9 HCS SCS SB 712, E.C. (Singleton) -
- 10 HCS SS SCS SB 969, 673 & 855, E.C. (Westfall) - Smith
- 11 HCS SCS SB 1070, (Gibbons) - Hosmer

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 HB 1814, SCA 1 - Monaco
- 2 HB 1768, SCA 1 - Hosmer

BILL CARRYING REQUEST MESSAGES

SCS HB 2120, (Request Senate recede/grant conference) - Ridgeway

BILLS IN CONFERENCE

- 1 SCS HCS HB 1101 - Green (73)
- 2 SCS HCS HB 1102, as amended - Graham
- 3 SCS HCS HB 1103, as amended - Graham
- 4 SCS HCS HB 1104, as amended - Bray
- 5 SCS HCS HB 1105 - Bonner
- 6 SCS HCS HB 1106 - Ransdall
- 7 SCS HCS HB 1107, as amended - Ransdall

- 8 SCS HCS HB 1108 - Kelly (27)
- 9 SCS HCS HB 1109 - Kelly (27)
- 10 SCS HCS HB 1110 - Riback Wilson (25)
- 11 SCS HCS HB 1111, as amended - Troupe
- 12 SCS HCS HB 1112 - Bonner
- 13 HCS HB 1711, E.C., as amended - Graham