

JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

SIXTY-SECOND DAY, WEDNESDAY, APRIL 30, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, You have said, "Blessed be the Lord who daily bears our burden." Help us to cast the whole of our cares upon You, for You have great care for us.

We have sometimes been calloused by the heat of duty, the weariness of work, the pressure to succeed. Grant us the grace to proceed and succeed in spite of these things.

Dear God, deliver us from the temptation of smallness or hardness of heart and fill our lives this morning with Your will and Your Word.

Grant us eyes to see where we once could not, ears to hear where we once would not, and words to speak where we once did not. All to Your glory, honor, and praise.

Now may the grace of our Lord and the love of God be with us all.

To You be the glory, both now and forever. In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Caleb James Davis, John Francis Muckler, Clare Maria Muckler, William Anthony Muckler, Fabian Cannon, Layla Dominquez, Lawan Elliott, Alexis Miller, Emma Odenwald, Kristin Winfrey, Ashton Vermillion, Melanie Shireman, LaChrisha Landsberg, Crystal Antwiler, Jessica McVey, Marc Williams, Paris Anderson, Bruce Kelly, Antoinette Blaine and Carissa Schilchtmann.

The Journal of the sixty-first day was approved as printed.

SPECIAL RECOGNITION

Miki Gudermuth was introduced by Representative Crowell and recognized as an Outstanding Missourian.

Melissa Friel and members of the American Red Cross were introduced by Representative Viebrock and recognized as Outstanding Missourians.

Catherine Croci was introduced by Representative Darrough and recognized for her essay entitled “My Pledge to America”, which won the state competition of the National Veterans of Foreign Wars Patriotic Pen essay contest.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2343 - Representatives Smith and Bearden
House Resolution No. 2344 - Representative Sager
House Resolution No. 2345 - Representative Riback Wilson (25)
House Resolution No. 2346
through
House Resolution No. 2352 - Representative Guest
House Resolution No. 2353
through
House Resolution No. 2355 - Representative Quinn
House Resolution No. 2356 - Representative Wood
House Resolution No. 2357 - Representative Townley
House Resolution No. 2358 - Representative Schoemehl
House Resolution No. 2359 - Representative Townley
House Resolution No. 2360
and
House Resolution No. 2361 - Representative Cooper (120)
House Resolution No. 2362 - Representative Viebrock
House Resolution No. 2363
through
House Resolution No. 2366 - Representative Lager
House Resolution No. 2367 - Representative Kratky
House Resolution No. 2368
and
House Resolution No. 2369 - Representative Walsh
House Resolution No. 2370 - Representative Avery
House Resolution No. 2371
and
House Resolution No. 2372 - Representative Dougherty

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 11 was read the second time.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 16, relating to appropriations, was taken up by Representative Bearden.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 16, Page 8, Section 16.105, by deleting the section in its entirety.

Representative Reinhart assumed the Chair.

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

Speaker Hanaway resumed the Chair.

On motion of Representative Bearden, **HCS HB 16, as amended**, was adopted.

On motion of Representative Bearden, **HCS HB 16, as amended**, was ordered perfected and printed.

HCS HB 17, relating to appropriations, was taken up by Representative Bearden.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 17, Section 17.410, Page 28, Line 6, by deleting the number "\$17,806" and inserting the number "\$67,807".

Representative Byrd assumed the Chair.

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

On motion of Representative Bearden, **HCS HB 17, as amended**, was adopted.

On motion of Representative Bearden, **HCS HB 17, as amended**, was ordered perfected and printed.

HCS HB 18, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 18** was adopted.

On motion of Representative Bearden, **HCS HB 18** was ordered perfected and printed.

HCS HB 19, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 19** was adopted.

On motion of Representative Bearden, **HCS HB 19** was ordered perfected and printed.

HCS HB 20, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 20** was adopted.

On motion of Representative Bearden, **HCS HB 20** was ordered perfected and printed.

HOUSE CONCURRENT RESOLUTION

HCR 32, relating to an audit of the State Auditor, was taken up by Representative Miller.

On motion of Representative Miller, **HCR 32** was adopted.

SIGNING OF HOUSE BILL

Having been duly signed in open session of the Senate, **HCS HB 93** was delivered to the Governor by the Chief Clerk of the House.

COMMITTEE REPORT

Committee on Budget, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HCS SCS SB 69** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Madam Speaker: Your Committee on Budget, to which was referred **SCS SB 246** (Fiscal Note), begs leave to report it has been furnished an updated fiscal note and **does not require fiscal review**.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HS SCS SBs 299 & 40, as amended**: Senators Champion, Cauthorn, Gross, Kennedy and Stoll.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 552**: Senators Yeckel, Loudon, Cauthorn, Mathewson and Coleman.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SS SS SCS SBs 556 & 311, as amended**, and has taken up and passed **HCS SS SS SCS SBs 556 & 311, as amended**.

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

AFTERNOON SESSION

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

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Philip Henry Davis.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2373 - Representative Bland
House Resolution No. 2374
through
House Resolution No. 2387 - Representative Ervin
House Resolution No. 2388 - Representative Richard
House Resolution No. 2389 - Representatives Richard and Stevenson
House Resolution No. 2390
through
House Resolution No. 2392 - Representative Hampton
House Resolution No. 2393 - Representative Behnen
House Resolution No. 2394
and
House Resolution No. 2395 - Representative Riback Wilson (25)
House Resolution No. 2396
through
House Resolution No. 2399 - Representative Harris (23)
House Resolution No. 2400 - Representative Lager
House Resolution No. 2401 - Representative Kelly (144)

SPECIAL RECOGNITION

Nancy Colbaugh, Ed.D., and her family, of Springfield, Missouri, were introduced by Representative Holand. Dr. Colbaugh addressed the House.

HOUSE BILLS WITH SENATE AMENDMENTS

SCS HB 60, relating to property tax assessment errors, was taken up by Representative Sutherland.

On motion of Representative Sutherland, **SCS HB 60** was adopted by the following vote:

AYES: 157

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell

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Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Ice	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams	Brown	Carnahan	Goodman	Nieves
Sander				

On motion of Representative Sutherland, **SCS HB 60** was truly agreed to and finally passed by the following vote:

AYES: 156

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Ice	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke

Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Richard
Roark	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 007

Adams	Brown	Carnahan	Dusenberg	Nieves
Reinhart	Ruestman			

Speaker Pro Tem Jetton declared the bill passed.

SCS HB 57, relating to personal property tax lists, was taken up by Representative Riback Wilson (25).

On motion of Representative Riback Wilson (25), **SCS HB 57** was adopted by the following vote:

AYES: 152

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Holand	Hoskins	Hubbard	Ice	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 144	Kelly 36	King	Kingery
Kratky	Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Lowe	Luetkemeyer
May	Mayer	McKenna	Meiners	Merideth
Miller	Moore	Morris	Muckler	Munzlinger
Myers	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall

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Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Thompson	Threlkeld	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 002

Taylor	Viebrock
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ABSENT WITH LEAVE: 009

Adams	Brown	Carnahan	Fares	Hobbs
Hunter	Marsh	Nieves	Townley	

On motion of Representative Riback Wilson (25), **SCS HB 57** was truly agreed to and finally passed by the following vote:

AYES: 155

Abel	Angst	Avery	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Bruns	Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Holand	Hoskins	Hubbard	Hunter	Icet
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Merideth	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner	Walker
Wallace	Walsh	Walton	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130

Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Adams	Baker	Brown	Carnahan	Hobbs
Nieves	Shoemaker	Taylor		

Speaker Pro Tem Jetton declared the bill passed.

SCS HCS HBs 59 & 269, as amended, relating to suicide prevention, was taken up by Representative Johnson (61).

On motion of Representative Johnson (61), **SCS HCS HBs 59 & 269, as amended**, was adopted by the following vote:

AYES: 148

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kingery	Kratky	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Ransdall	Reinhart	Richard
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

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NOES: 009

Goodman	Holand	Lipke	Quinn	Rector
Roark	Ruestman	Townley	Viebrock	

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams	Brown	Carnahan	Hobbs	Kelly 144
King				

On motion of Representative Johnson (61), **SCS HCS HBs 59 & 269, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 146

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Curls	Darrough	Daus	Davis 122	Davis 19
Dempsey	Dethrow	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Engler	Ervin	Fares
Fraser	George	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Hoskins	Hubbard	Hunter
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
Kingery	Kratky	Kuessner	Lager	Lawson
LeVota	Liese	Lowe	Luetkemeyer	Marsh
May	Mayer	McKenna	Meiners	Merideth
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Rupp	Sager
Salva	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 010

Deeken	Emery	Goodman	Holand	King
Lembke	Lipke	Roark	Ruestman	Townley

PRESENT: 001

Cunningham 86

ABSENT WITH LEAVE: 006

Adams	Brown	Byrd	Carnahan	Miller
Sander				

Speaker Pro Tem Jetton declared the bill passed.

SCS HCS HBs 152 & 180, relating to the Kansas City Police Retirement System, was taken up by Representative Johnson (47).

On motion of Representative Johnson (47), **SCS HCS HBs 152 & 180** was adopted by the following vote:

AYES: 156

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton	Ward
Wasson	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 001

Purgason

PRESENT: 000

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ABSENT WITH LEAVE: 006

Adams	Brown	Byrd	Carnahan	Sander
Townley				

On motion of Representative Johnson (47), **SCS HCS HBs 152 & 180** was truly agreed to and finally passed by the following vote:

AYES: 157

Abel	Angst	Avery	Baker	Barnitz
Bean	Bearden	Behnen	Bishop	Bivins
Black	Bland	Bough	Boykins	Bringer
Brooks	Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky	Kuessner
Lager	Lawson	Lembke	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meiners	Merideth	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Selby	Self
Shoemaker	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Thompson	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams	Brown	Carnahan	Sander	Threlkeld
Wasson				

Speaker Pro Tem Jetton declared the bill passed.

Representative Kelly (144) assumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SCS SB 36, as amended, with House Amendment No. 4 pending, relating to environmental regulations, was taken up by Representative Myers.

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

AYES: 084

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Bruns
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dougherty	Dusenberg	Emery	Engler
Ervin	Goodman	Guest	Hobbs	Holand
Hunter	Icet	Jackson	Jetton	Johnson 47
King	Kingery	Lager	Lembke	Lipke
Luetkemeyer	Marsh	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Schneider
Self	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 070

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
LeVota	Liese	Lowe	McKenna	Meiners
Merideth	Muckler	Page	Parker	Ransdall
Sager	Salva	Schoemehl	Seigfreid	Selby
Shoemaker	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Walker	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

PRESENT: 002

Byrd	Fares
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ABSENT WITH LEAVE: 007

Adams	Brown	Carnahan	Kelly 144	Lawson
Reinhart	Wagner			

Representative Cooper (120) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"640.010, 643.078, and 644.051, RSMo, and to enact in lieu thereof fifty-five new sections relating"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "444.778, 640.010, 643.078, and 644.051, RSMo, are repealed and fifty-five new sections enacted in lieu"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting before the number "260.217" the following:

"204.600, 204.605, 204.610, 204.615, 204.620, 204.625, 204.630, 204.635, 204.640, 204.645, 204.650, 204.655, 204.660, 204.665, 204.670, 204.675, 204.680, 204.685, 204.690, 204.695, 204.700, 204.705, 204.710, 204.715, 204.720, 204.725, 204.730, 204.735, 204.740, 204.745, 204.750, 204.755, 204.760,"; and

Further amend said bill, Page 1, Section A, Lines 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: "260.831, 444.770, 444.772, 444.778, 640.010, 640.014, 640.016, 640.018, 640.020, 640.037, 643.078, 644.051, 644.581, 644.582, 644.583, and 1, to read as follows:

"204.600. Any common sewer district organized and existing pursuant to sections 204.250 to 204.270, and any sewer district organized and existing pursuant to chapter 249, RSMo, may be converted to a reorganized common sewer district pursuant to sections 204.600 to 204.700. In addition, a reorganized common sewer district may be established as provided for in sections 204.600 to 204.700. Once established, a reorganized common sewer district shall have all powers and authority of and applicable to a common sewer district organized and existing pursuant to sections 204.250 to 204.270 and applicable to a sewer district established pursuant to chapter 249, RSMo, which are not inconsistent or in conflict with sections 204.600 to 204.700.

204.605. 1. Proceedings for the new formation of a reorganized common sewer district pursuant to sections 204.600 to 204.700 shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the reorganized district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situated or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of acquiring or constructing sanitary sewer improvements with the district, if appropriate, an approximation of the assessed valuation of taxable property within the district, whether the board of trustees shall be elected or appointed by the county commission, and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or property owners within the proposed district and shall pray for the incorporation of the territory therein described into a reorganized common sewer district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in a newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily paper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter or property owner within the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as the court may deem proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court under the hearing. The decree shall further contain an appointment of five voters from the district, to constitute the first board of trustees of the district. The court shall designate such trustees to staggered terms from one to five years such that one director is appointed or elected each year. The trustees thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section 204.625. The decree shall further designate the name of the district by which it shall be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If a majority of the voters of the district voting on such proposition approve of the proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority required above, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state, and with the recorder of deeds of the county or counties in which the district is situated and with the clerk of the county commission of the county or counties in which the district is situated.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a reorganized common sewer district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decree relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition.

10. Once a reorganized sewer district is established, the boundaries of any reorganized sewer district may be extended or enlarged from time to time upon the filing, with the clerk of the circuit court having jurisdiction, a petition by either:

(1) The board of trustees of the reorganized sewer district and five or more voters within the territory proposed to be added to the district; or

(2) A majority of the landowners within the territory which is proposed to be added to the reorganized sewer district.

If the petition is filed by a majority of the landowners within the territory proposed to be added to the reorganized sewer district, the publication of notice shall not be required, provided notice is posted in three public places within the territory proposed to be added to the reorganized sewer district at least seven days before the date of the hearing and provided that there is sworn testimony by at least five landowners in the territory

proposed to be added to the reorganized sewer district, or a majority of the landowners, if the total landowners in the area are fewer than ten. Otherwise the procedures for notice shall substantially follow those set out in this section, for formation. Territory proposed to be added to the reorganized sewer district may either be contiguous or reasonably close to the boundaries of the existing district. Upon the entry of a final judgment declaring the court's decree of territory proposed to be added to the reorganized sewer district to be final and conclusive, the court shall modify or rearrange the boundary lines of the reorganized sewer district as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district be enlarged or extended, otherwise against the petitioners; provided, however, that no costs shall be taxed to the trustees of the district.

11. Should any property owner or property owners who own real estate that is not within another sewer district organized pursuant to this chapter, chapters 247 and 249, RSMo, or pursuant to the state constitution, but that is contiguous or reasonably close to the existing boundaries of the reorganized sewer district, desire to have such real estate incorporated in the district, the property owner shall first petition the board of trustees thereof for its approval. If such approval be granted, the secretary of the board shall endorse a certificate of the fact of approval by the board upon the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the reorganized sewer district is incorporated. It shall then be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate in the same. A certified copy of this amended decree including the real estate in the district shall then be filed in the office of the recorder and in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

12. The board of trustees of any reorganized common sewer district may petition the circuit court of the county containing the majority of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance and operation of water supply and distribution facilities which serve ten or more separate properties which are located wholly within the district and are not served by another political subdivision or are not located within the certificated area of a water corporation as defined in chapter 386, RSMo, or within a public water supply district as defined in chapter 247, RSMo, and the operation and maintenance of all such existing water supply facilities. The petition shall be filed by the board of trustees and all proceedings shall be in substantially the same manner as in action for initial formation of a reorganized common sewer district except that no vote of the residents of the district shall be required. All applicable provisions of this chapter shall apply to the construction, operation and maintenance of water supply facilities in the same manner as they apply to like functions relating to sewer treatment facilities.

204.610. 1. Any existing common sewer district organized and existing pursuant to sections 204.250 to 204.270 and any sewer district organized and existing pursuant to chapter 249, RSMo, may establish itself as a reorganized common sewer district pursuant to sections 204.600 to 204.700 by petitioning the circuit court of the county in which it was established to approve its reorganization pursuant to sections 204.600 to 204.700 if the governing body of the district has by resolution determined that it is in the best interest of the district to reorganize pursuant to sections 204.600 to 204.700. Such petition shall also specify whether the board of trustees shall be appointed by the governing body of the county, or elected by the voters of the district. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by the trustees of the district and shall pray for the conversion of the district into a reorganized common sewer district.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in a newspaper of general circulation within the existing district or closest to the existing district if there is no newspaper of general circulation within the existing district and if the existing district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the boundary lines of the existing district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily paper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the conversion of an existing district to a reorganized common sewer district, may be made

by any voter or property owner within the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that it would not be in the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If the court finds that the conversion of the district to a reorganized common sewer district pursuant to sections 204.600 to 204.700 is in the best interests of the persons served by the existing district, then the court shall order the district's decree of incorporation amended to permit reorganization pursuant to sections 204.600 to 204.700 and the existing board of trustees for such district shall continue to serve the reorganized common sewer district until such time as new trustees shall be appointed or elected as provided for in the court's decree. If their original terms of office are not so designated, the court shall designate such trustees to staggered terms from one to five years such that one trustee is appointed or elected each year. The trustees thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as provided in section 204.625. The decree shall further designate the name of the district by which it shall be officially known.

204.615. The bonded indebtedness or security interest of any creditor of any common sewer district originally organized and existing pursuant to sections 204.250 to 204.270 and any sewer district originally organized and existing pursuant to chapter 249, RSMo, which convert to a reorganized common sewer district shall not be impaired or affected by such conversion and all covenants and obligations of such indebtedness shall remain in full force and effect payable pursuant to the terms and conditions which existed without conversion.

204.620. 1. When a decree or amended decree of incorporation is issued as provided for in sections 204.600 to 204.700, a reorganized common sewer district shall be considered in law and equity a body corporate and politic and political subdivision of this state, known by the name specified in the court's decree, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal. A reorganized common sewer district also shall have exclusive jurisdiction and authority to provide wastewater collection and treatment services within the boundaries of the district with respect to any wastewater service provider authorized to provide sewer services pursuant to the laws of this state.

2. All courts in this state shall take judicial notice of the existence of any district organized pursuant to sections 204.600 to 204.700.

204.625. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district one whole year immediately prior to his/her election or appointment. A trustee shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of his or her election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth above for a trustee.

2. The trustees shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified pursuant to this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the immediately following first Tuesday after the first Monday in June or until the immediately following first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority pursuant to chapter 115, RSMo. Otherwise, trustees shall be appointed by

the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled pursuant to the provisions of subsection 3 of this section.

204.630. The board of trustees of a reorganized common sewer district shall have no power to levy or collect any taxes for the payment of any general obligation bond indebtedness incurred by the reorganized common sewer district unless and until the voters of the reorganized common sewer district shall have authorized the incurring of indebtedness at an election. All expenses and indebtedness incurred by the reorganized common sewer district may be paid out of funds which may be received by the reorganized common sewer district from the sale of bonds authorized by the voters of the reorganized common sewer district.

204.635. 1. The total amount of any general obligation bonds issued by the reorganized common sewer district shall not exceed ten percent of the assessed valuation of all taxable tangible property, as shown by the last completed property assessment for state or local purposes, within the reorganized common sewer district.

2. Such bonds shall be signed by the president of the board of trustees and attested by the signature of the secretary of the board of trustees with the seal of the district affixed thereto, if there be a seal. The interest coupons may be executed by affixing thereon the facsimile signature of the secretary of the district. The bonds may be sold under the same conditions as are provided for the sale of county road bonds.

3. All general obligation bonds issued pursuant to sections 204.600 to 204.700 shall be registered in the office of the state auditor as provided by law for the registration of bonds of cities and in the office of the secretary of the board of trustees of the district in a book kept for that purpose for registry, shall show the number, date, amount, date of sale, name of the purchaser, and the amount for which the bond was sold. The moneys of the reorganized common sewer district shall be deposited by the treasurer of the reorganized common sewer district in such bank or banks as shall be designated by order of the board of trustees and the secretary of the reorganized common sewer district shall charge the treasurer therewith and the moneys shall be drawn from the treasury upon checks or warrants issued by the reorganized common sewer district for the purposes for which the bonds were issued.

204.640. 1. The board of trustees of any reorganized common sewer district shall have power to pass all necessary rules and regulations for the proper management and conduct of the business of the board of trustees, and of the district, and for carrying into effect the objects for which the reorganized common sewer district is formed.

2. The board of trustees of a reorganized common sewer district, subject to compliance with the exercise of lawful authority granted to or rules adopted by the clean water commission pursuant to section 644.026, RSMo, may exercise primary authority to adopt, modify, and repeal, and to administer and enforce rules and regulations with respect to:

(1) The establishment, construction, reconstruction, improvement, repair, operation, and maintenance of its sewer systems and treatment facilities;

(2) Industrial users discharging into its sewer systems or treatment facilities;

(3) The establishment, operation, administration, and enforcement of a publicly owned treatment works pretreatment program consistent with state and federal pretreatment standards, including inspection, monitoring, sampling, permitting, and reporting programs and activities.

The board of trustees may, in addition to any pretreatment standards imposed pursuant to this section, require of any user of its treatment facilities such other pretreatment of industrial wastes as it deems necessary to adequately treat such wastes.

3. The rules and regulations adopted by the board of trustees pursuant to subsection 2 of this section shall be applicable, and enforceable by civil, administrative or other actions within any territory served by its sewer systems or treatment facilities and against any municipality, subdistrict, district, or industrial user who shall directly or indirectly discharge sewage or permit discharge of sewage into the district's sewer system or treatment facilities.

4. The authority granted to the board by this section is in addition to and not in derogation of any other authority granted pursuant to the constitution and laws of Missouri, any federal water pollution control act, or the rules of any agency of federal or state government.

5. The term "industrial user", as used in this section shall mean any nondomestic source of discharge or indirect discharge into the district's wastewater system which is regulated pursuant to section 307(b), (c), or (d) of the Clean Water Act, or any source listed in division A, B, D, E, or I of the Standard Industrial Classification

Manual, or any solid waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or hazardous waste handling or disposal facilities, and facilities which store or treat aqueous wastes as generated by facilities not located on site and which dispose of these wastes by discharging them into the district's wastewater system.

204.645. 1. It shall be the duty of the board of trustees of a reorganized common sewer district to make the necessary surveys, and to lay out and define the general plan for the construction and acquisition of land, rights-of-way and necessary sewers and treatment facilities and of any extensions, expansions, or improvements thereof within the district.

2. The board of trustees of a reorganized common sewer district may enter into agreements with each municipality, subdistrict, private district, or any industrial user which discharges sewage into trunk sewers, streams, or the treatment facilities of the reorganized common sewer district concerning the locations and the manner in which sewage may be discharged into the district system or streams within the district and concerning the permissible content of acid wastes, alkaline wastes, poisonous wastes, oils, grit, or other wastes which might be hazardous or detrimental to the system. If no agreement is obtained with regard to any such matter the trustees shall refer the dispute to the clean water commission and the determination of the commission shall be binding upon the district, municipality, subdistrict, or private district. Each municipality, subdistrict, or private district shall control the discharge of wastes into its collection sewers to the extent necessary to comply with the agreement or the determination of the clean water commission. The board of trustees of a reorganized common sewer district or the governing body of any municipality, subdistrict, private district, or industrial user discharging sewage into the stream or the system may petition the circuit court which decreed the incorporation of the district for an order enforcing compliance with any provision of such an agreement or determination, and that circuit court shall have jurisdiction in all cases or questions arising out of the organization or operations of the district, or from the acts of the board of trustees.

3. The board of trustees may contract with each participating community for the payment of its proportionate share of treatment costs.

4. The board of trustees may contract with public agencies, individuals, private corporations, and political subdivisions, inside and outside the reorganized common sewer district to permit them to connect with and use the district's facilities according to such terms, conditions, and rates as the board determines are in the interest of the district and regardless of whether such agencies, individuals, corporations, and subdivisions are in the same natural drainage area or basins as the district. However, if such an area is located within the boundaries of an existing common sewer district or reorganized common sewer district organized and existing pursuant to this chapter, a sewer district organized and existing pursuant to chapter 249, RSMo, or a public water supply district organized pursuant to chapter 247, RSMo, the board of trustees must give written notice to said district before such a contract is entered into, and the district must consent to said contract.

5. The board of trustees may refuse to receive any wastes into the sewage system which do not meet relevant state or federal water pollution, solid waste, or pretreatment standards.

6. The board of trustees shall have all of the powers necessary and convenient to provide for the operation, maintenance, administration, and regulation, including the adoption of rules and regulations, of any individual home sewage or business treatment systems within the jurisdiction of the common sewer district. The board of trustees shall have the authority to declare the violation of any of its rules and regulations to be a misdemeanor punishable as provided by law, or to declare violation of any of its rules and regulations punishable by imposition of a civil fine not to exceed one thousand dollars per day payable to the common sewer district, in addition to any other civil remedy which may be available at law or in equity.

7. The board of trustees shall have all of the powers necessary and convenient to provide for the operation and maintenance of its treatment facilities and the administration, regulation, and enforcement of its pretreatment program, including the adoption of rules and regulations, to carry out its powers with respect to all municipalities, subdistricts, districts, and industrial users which discharge into the collection system of the district's sewer system or treatment facilities. These powers include, but are not limited to:

- (1) The promulgation of any rule, regulation, or ordinance;
- (2) The issuance, modification, or revocation of any order;
- (3) The issuance, modification, or revocation of any permit;
- (4) The levying of a civil administrative fine upon any industrial user in violation of the district's rules, regulations, and ordinances, or any permit or order issued thereunder, in an amount not to exceed one thousand dollars per violation per day;
- (5) Commencing an action through counsel for appropriate legal or equitable relief in the circuit court

which decreed the district's incorporation against any industrial user in violation of the district's rules, regulations, and ordinances or any permit or order issued thereunder; and

(6) Petitioning the prosecutor for the county in which any criminal violation of the district's rules, regulations, ordinances, or any permit or order issued thereunder has occurred to institute criminal proceedings.

8. The board of trustees may adopt rules and regulations creating procedural remedies for all persons affected by any order or permit issued, modified, or revoked or any fine or penalty levied by the board including but not limited to the grant of reasonable time periods for such persons to respond, to show cause, and to request reconsideration of fines or penalties levied.

9. Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to the district's rules, regulations, ordinances, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the district's rules, regulations, or ordinances shall be fined not more than one thousand dollars per violation per day. In the event of a second violation, the person shall be fined not to exceed three thousand dollars per violation per day. Third or subsequent violations of this subsection are punishable as a class D felony.

10. Whenever any reference is made in this section to any action that may be taken by the board of trustees, such reference includes such action by its executive officer pursuant to powers and duties delegated to such executive officer by the board of trustees.

204.650. 1. The board of trustees may acquire by purchase, gift, or condemnation or may lease or rent any real or personal property and when condemnation is used shall follow the procedure that is provided by chapter 523, RSMo. All the powers may be exercised both within or without the district as may be necessary for the exercise of its powers or the accomplishment of its purposes. The board of trustees shall also have the same authority to enter upon private lands to survey land or other property before exercise of the above condemnation powers as is granted pursuant to section 388.210, RSMo, to railroad corporations.

2. The board of trustees of the reorganized common sewer district, if it is necessary to cross, follow, or traverse public streets, roads, or alleys, or grounds held or used as public parks or places, shall have the right to do so upon the following conditions: The board of trustees shall file with the county commission or mayor of the municipality having immediate jurisdiction over the street, road, alley, or public park or place, a map showing the location and extent of the proposed occupancy for sewerage purposes and a plan of the proposed facilities, which plan shall be so made and arranged as not to interfere with the ordinary and lawful use of the street, road, alley, public park, or place, except during a reasonable time for the construction of the necessary works.

3. The entire expense of the works and restoration of the ground occupied to its former condition, as near as may be, shall be borne by the reorganized common sewer district.

204.655. 1. The board of trustees for the reorganized common sewer district shall let contracts for all work to be done, excepting in case of repairs or emergencies requiring prompt attention, in the construction of sewers and sewage treatment plants, the expense of which will exceed twenty-five thousand dollars, to the lowest responsible bidder therefor, upon not less than twenty days' notice of the letting, given by publication in a newspaper of general circulation in the district. The board shall have the power and authority to reject any and all bids and readvertise the work.

2. The board of trustees shall also have the power to enter into agreements with persons, firms for providing professional services required of the board and the board shall adopt policies for procuring the services of such professionals. The provisions of sections 8.285 to 8.291, RSMo, shall be applicable to the services of architects, engineers and land surveyors unless the board of trustees adopts a formal procedure for the procurement of such services.

204.660. The cost of any reorganized common sewer district of acquiring, constructing, improving or extending a sewerage system may be met:

(1) Through the expenditures by the common sewer district of any funds available for that purpose, including temporary or interim financing funds obtained through any federal or state loan program or from a local lending institution;

(2) From any other funds which may be obtained pursuant to any law of the state or of the United States or from any county or municipality for that purpose; or

(3) From the proceeds of revenue bonds of the common sewer district, payable solely from the revenues to be derived from the operation of such sewerage system or from any combination of all the methods of providing funds.

(4) From the proceeds of general obligation bonds of the reorganized common sewer district, payable solely

from voter approved property taxes as provided for by law.

(5) From the proceeds of special obligation bonds of the reorganized common sewer district, payable solely from special fees or other revenues received by the district pledged for the purposes of payment of such bonds.

(6) From the proceeds of user fees, charges, or other imposition for facilities and services provided by the district to its customers and users or the availability of services provided to persons, users, and customers within the district or who otherwise benefit from services provided by the district.

204.665. 1. A reorganized common sewer district may issue general or special revenue bonds authorized by authority of a resolution adopted by the board of trustees of the reorganized common sewer district unless in addition thereto the decree or amended decree of incorporation shall require any such bonds to be approved by the voters of the district after election called for that purpose. The resolution shall recite that an estimate of the cost of the proposed acquisition, construction, improvement, extension or other project has been made and shall set out the estimated cost; it shall set out the amount of the bonds proposed to be issued, their purposes, their dates, denominations, rates of interest, times of payment, both of principal and of interest, places of payment, and all other details in connection with the bonds.

2. The bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the board of trustees of the common sewer district.

3. The bonds shall bear interest at a rate in accordance with section 108.170, RSMo, and shall mature over a period not exceeding thirty-five years from the date thereof.

4. The bonds may be payable to bearer, may be registered or coupon bonds, and if payable to bearer may contain such registration privileges as to either principal and interest, or principal only, as may be provided in the resolution authorizing the bonds.

5. The bonds and the coupons to be attached thereto, if any, shall be signed in such manner and by such officers as may be directed by resolution. Bonds signed by an officer who shall hold the office at the time the bonds are signed shall be deemed validly and effectually signed for all purposes, regardless of whether or not any officer shall cease to hold his office prior to the delivery of the bonds and regardless of whether or not any officer shall have held or shall not have held such office on the date ascribed to the bonds.

6. The bonds shall be sold in such manner and upon such terms as the board of trustees of the reorganized common sewer district shall determine, but the bonds shall not be sold for less than ninety cents on the dollar nor shall they be sold at such a price that the interest cost upon the actual proceeds of the bonds from the date thereof to their maturity shall exceed a rate in accordance with section 108.170, RSMo. The resolution may provide that certain bonds authorized thereby shall be junior or subordinate in any or all respects to other revenue bonds authorized concurrently therewith or prior to or after such bonds.

204.670. Any user fees or charges, connection fees, or other charges levied by the reorganized common sewer district for purposes of funding its general or special operations, maintenance, or payment of bonded indebtedness or other indebtedness shall be due at such time or times as specified by the reorganized common sewer district, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. In addition to and consistent with any other provision of applicable law, if such fees or charges or other amounts due become delinquent, they shall be a lien upon the land charged, upon the reorganized common sewer district filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The reorganized common sewer district shall file with the recorder of deeds a similar notice of satisfaction of debt when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by foreclosure by power of sale hereby vested in the reorganized common district if the reorganized common sewer district adopts written rules for the exercise of power of sale consistent with the provisions of sections 443.290 to 443.325, RSMo, which are recorded in the land records of the office of the recorder of deeds in each county in which the district is located; otherwise such lien shall be enforced by suit in the circuit court having jurisdiction against the property subject to the lien for judicial foreclosure and sale by special execution; such suit may include a request for judgment against the persons responsible for payment of such delinquency as well as the person or persons owning the property to which services were provided, if different, including post-sale deficiency, and as a part of the relief, may include award of the district's reasonable attorney's fees, court costs and other expenses reasonably incurred by the district for collection.

204.675. It shall be the mandatory duty of any reorganized common sewer district which shall issue any general or special revenue bonds pursuant to sections 204.600 to 204.700:

(1) To fix and maintain rates and make and collect charges for the use and services of the system, for the

benefit of which revenue bonds were issued, sufficient to pay the cost of maintenance and operation thereof;

(2) To pay the principal of and the interest on all revenue bonds issued by the reorganized common sewer district chargeable to the revenues of the system; and

(3) To provide funds ample to meet all valid and reasonable requirements of the resolution by which the revenue bonds have been issued.

The rates shall be from time to time revised so as fully to meet the requirements of sections 204.600 to 204.700. As long as any bond so issued or the interest thereon shall remain outstanding and unpaid, rates and charges sufficient to meet the requirements of this section shall be maintained and collected by the reorganized common sewer district which issued the bonds.

204.680. 1. Whenever any reorganized common sewer district authorizes and issues revenue bonds pursuant to sections 204.600 to 204.700, an amount sufficient for the purpose of the net revenues of the sewerage system for the benefit of which the bonds are issued shall, by operation of sections 204.600 to 204.700, be pledged to the payment of the principal of and the interest on the bonds as the same shall mature and accrue.

2. The term "net revenues" shall be construed to mean all income and revenues derived from the ownership and operation of the system less the actual and necessary expenses of operation and maintenance of the system.

3. It shall be the mandatory duty of the treasurer of the reorganized common sewer district to provide for the prompt payment of the principal and interest on any revenue bonds as they mature and accrue.

204.685. 1. The resolution of the board of trustees of the reorganized common sewer district authorizing the issuance of revenue bonds pursuant to the authority of sections 204.600 to 204.700 may provide that periodic allocations of the revenues to be derived from the operation of the system for the benefit of which the bonds are issued shall be made into such accounts, separate and apart from any other accounts of the district, as shall be deemed to be advisable to assure the proper operation and maintenance of the system and the prompt payment of the indebtedness chargeable to the revenues of the system. The accounts may include, but shall not be limited to:

- (1) An account for the purpose of providing funds for the operation and maintenance of the system;
- (2) An account to provide funds for the payment of the bonds as to principal and interest as they come due;
- (3) An account to provide an adequate reserve for depreciation, to be expended for replacements of the system;
- (4) An account for the accumulation of a reserve to assure the prompt payment of the bonds and the interest thereon whenever and to the extent that other funds are not available for the purpose;
- (5) An account to provide funds for contingent expenses in the operation of the system;
- (6) An account to provide for the accumulation of funds for the construction of extensions and improvements to the system; and
- (7) Such other accounts as may be desirable in the judgment of the board of trustees.

2. The resolution may also establish such limitations as may be expedient upon the issuance of additional bonds, payable from the revenues of the system, or upon the rights of the holders of such additional bonds. Such resolution may include other agreements with the holders of the bonds or covenants or restrictions necessary or desirable to safeguard the interests of the bondholder and to secure the payment of the bonds and the interest thereon.

204.690. For the purpose of refunding, extending and unifying the whole or any part of any valid outstanding bonded indebtedness payable from the revenues of a sewerage system, any reorganized common sewer district may issue refunding bonds not exceeding in amount the principal of the outstanding indebtedness to be refunded and the accrued interest to the date of the refunding bonds. The board of trustees of the reorganized common sewer district shall provide for the payment of interest at not to exceed the same rate and the principal of the refunding bonds in the same manner and from the same source as was provided for the payment of interest on and principal of the bonds to be refunded.

204.695. The board of trustees of the reorganized common sewer district may apply for and accept grants or funds, material or labor, from the state and federal government, or any departments thereof, in the construction of a sewerage system as provided by sections 204.600 to 204.700, and may enter into such agreements as may be required of the state or federal laws, or the rules and regulations of any federal or state department, to which the application is made, and where the assistance is granted.

204.700. It is hereby made the duty of the mayors of cities, the circuit court, the governing bodies of counties, all political subdivisions and all assessors, sheriffs, collectors, treasurers and other officials in the state of Missouri to do and perform all the acts and to render all the services necessary to carry out the purposes of

sections 204.600 to 204.700.

204.705. Sections 204.705 to 204.755 shall be known and may be cited as the "Sanitary Sewer Improvement Area Act", and the following words and terms, as used in these sections, mean:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the district;

(2) "Assess" or "assessment", a unit of measure to allocate the cost of an improvement among property or properties within a sanitary sewer improvement area based upon an equitable method of determining benefits to any such property resulting from an improvement;

(3) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the district in planning and making improvements;

(4) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, preparation of plans and specifications, preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by the district in the administration and supervision of the improvement;

(5) "District" or "common sewer district", any public sanitary sewer district or reorganized common sewer district established and existing pursuant to this chapter or chapter 249, RSMo, and any metropolitan sewer district organized pursuant to the constitution of this state;

(6) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new sanitary sewer facility or enhance, extend or restore the value or utility of an existing sanitary sewer facility;

(7) "Improvement", any one or more sanitary sewer facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement; improvements include, but are not limited to, the following activities:

(a) To acquire property or interests in property when necessary or desirable for any purpose authorized by sections 204.705 to 204.755;

(b) To improve sanitary sewers, wastewater treatment plants, lagoons, septic tanks and systems and any and all other sanitary sewer and waste water collection and treatments systems of any type, whether located on improved or unimproved public or private property, the general object and nature of which will either preserve, maintain, improve or promote the general public health, safety and welfare, or the environment, regardless of technology used;

(8) "Sanitary sewer improvement area", an area of a district with defined limits and boundaries which is created by petition pursuant to sections 204.705 to 204.755 and which is benefited by an improvement and subject to assessments against the real property therein for the cost of the improvement;

(9) "User fee", a fee established and imposed by a district for payment of an assessment in periodic installments to pay for improvements made in a sanitary sewer improvement area which benefit the property within such area that is subject to the assessment.

204.710. As an alternative to all other methods provided by law or charter, the board of trustees of any sewer district or reorganized sewer district organized and operated pursuant to this chapter or chapter 249, RSMo, or any metropolitan sewer district organized pursuant to the constitution of this state, may make, or cause to be made, improvements which confer a benefit upon property within a sanitary sewer improvement area pursuant to sections 204.705 to 204.755. The board of trustees of such district may incur indebtedness and issue temporary notes and general or special revenue bonds pursuant to sections 204.705 to 204.755 to pay for all or part of the cost of such improvements. An improvement may be combined with one or more other improvements for the purpose of issuing a single series of general or special revenue bonds to pay all or part of the cost of said area's improvements, but separate funds or accounts shall be established within the records of the district for each improvement project as provided in sections 204.705 to 204.755. Such district shall make assessments and may impose user fees on the property deemed by the board of trustees to be benefited by each such improvement project pursuant to in addition to any other fees or charges imposed by the district for provision of services or payment of debt. The district shall use the moneys collected from such assessments and user fees to reimburse

the district for all amounts paid or to be paid by it as principal of and interest on its temporary notes and general or special revenue bonds issued for such improvements.

204.715. 1. To establish a sanitary sewer improvement area, the governing body of the sewer district shall comply with the following procedure: the governing body of the district may create a sanitary sewer improvement area when a proper petition has been signed by four-sevenths of the owners of record within such proposed area. The petition, in order to become effective, shall be filed with the district. A proper petition for the creation of a sanitary sewer improvement area shall set forth the project name for the proposed improvement, the general nature of the proposed improvement, the estimated cost of such improvement, the boundaries of the proposed sanitary sewer subdistrict, the proposed method or methods of financing the project including the estimated amount of and method for imposing user fees against the real property within the district to pay for the cost of the improvements and any bonds issued therefor, a notice that the names of the signers may not be withdrawn later than seven days after the petition is filed with the district, and a notice that the final cost of such improvement and the amount of revenue bonds issued therefor shall not exceed the estimated cost of such improvement, as stated in such petition, by more than twenty-five percent.

2. Upon the filing of a proper petition with the district, the governing body may by resolution or ordinance determine the advisability of the improvement and may order that the area be established and that preliminary plans and specifications for the improvement be made. Such resolution or ordinance shall state and make findings as to the project name for the proposed improvement, the nature of the improvement, the estimated cost of such improvement, the boundaries of the sanitary sewer improvement area, the proposed method or methods of imposing assessments and, if known, proposed estimated user fees within the district, and shall also state that the final cost of such improvement within the sanitary sewer improvement area and the amount of general or special revenue bonds issued therefor shall not, without a new petition, exceed the estimated cost of such improvement by more than twenty-five percent.

3. The boundaries of the proposed area shall be described by metes and bounds, streets or other sufficiently specific description.

204.720. The portion of the cost of any improvement to be assessed or imposed against the real property in a sanitary sewer improvement area shall be apportioned against such property in accordance with the benefits accruing thereto by reason of such improvement. Subject to the provisions of the Farmland Protection Act, sections 262.800 to 262.810, RSMo, the cost may be assessed equally by lot or tract, against property within the area, or by any other reasonable assessment plan determined by the board of trustees of the district which results in imposing substantially equal burdens or share of the cost upon property similarly benefited. The board of trustees of the district may from time to time determine and establish by ordinance or resolution reasonable general classifications and formula for the methods of assessing or determining the benefits.

204.725. 1. After the board of trustees has made the findings specified in sections 204.705 to 204.755 and plans and specifications for the proposed improvements have been prepared, the board of trustees shall by ordinance or resolution order assessments to be made against each parcel of real property deemed to be benefited by an improvement based on the revised estimated cost of the improvement or, if available, the final cost thereof, and shall order a proposed assessment roll to be prepared.

2. The plans and specifications for the improvement and the proposed assessment roll shall be filed with the district and shall be open for public inspection. Such district shall thereupon, at the direction of the board of trustees, publish notice that the board of trustees will conduct a hearing to consider the proposed improvement and proposed assessments. Such notice shall be published in a newspaper of general circulation at least once not more than twenty days before the hearing and shall state the project name for the improvement, the date, time and place of such hearing, the general nature of the improvement, the revised estimated cost or, if available, the final cost of the improvement, the boundaries of the sanitary sewer improvement area to be assessed, and that written or oral objections will be considered at the hearing. At the same time, the district shall mail to the owners of record of the real property made liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed against the real property so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings.

204.730. 1. At the hearing to consider the proposed improvements and assessments, the board of trustees or their designated representative shall hear and pass upon all objections to the proposed improvements and proposed assessments, if any, and may amend the proposed improvements, and the plans and specifications therefor, or assessments as to any property, and thereupon by ordinance or resolution the board of trustees shall order that the improvement be made and direct that financing for the cost thereof be obtained as provided in sections 204.705 to 204.755.

2. After the improvement has been completed in accordance with the plans and specifications therefor, the board of trustees shall compute the final costs of the improvement and apportion the costs among the property benefited by such improvement in such equitable manner as the board of trustees shall determine, charging each tract, lot or parcel of property with its proportionate share of the costs, and by resolution or ordinance, assess the final cost of the improvement, or the amount of general or special revenue bonds issued or to be issued to pay for the improvement, as special assessments against the property described in the assessment roll.

3. After the passage or adoption of the ordinance or resolution assessing the special assessments, the district shall mail a notice to each property owner within the district which sets forth a description of each tract, lot or parcel of real property to be assessed which is owned by such owner, the assessment assigned to such property, and a statement that the property owner may pay such assessment in full, together with interest accrued thereon from the effective date of such ordinance or resolution, on or before a specified date determined by the effective date of the ordinance or resolution, or may pay such assessment in the form of user fees in periodic installments as provided in subsection 4 of this section. Notice of each assessment and imposition of the assessment lien together with a legal description for each property assessed within the area shall be filed with the recorder of deeds upon the effective date of the ordinance or resolution, but failure to timely record any such notice shall not affect the validity of the assessments or liens thereunder. The district shall record written notice of release of lien whenever an assessment is paid in full; the cost of recording assessment notices and release of liens shall be included in the assessment.

4. The special assessments shall be assessed upon the property within the area and those not paid in full as provided in subsection 3 of this section shall be payable in the form of user fees payable in periodic and substantially equal installments as determined by the district for a duration prescribed by the resolution or ordinance establishing the special assessments. All assessments shall bear interest at such rate as the board of trustees determines, not to exceed the rate permitted for bonds by section 108.170, RSMo. Interest on the assessment between the effective date of the ordinance or resolution assessing the special assessments and the date the first installment of a user fee is payable shall be added to the first installment or prorated among all scheduled installments.

5. Assessments not paid in full shall be collected and paid over to the district in the form of user fees in the same manner as other district fees and charges are collected and paid, or by any other reasonable method determined by the district.

204.735. No suit to set aside the assessments made pursuant to sections 204.705 to 204.755 or to otherwise question the validity of the proceedings relating thereto shall be brought after the expiration of ninety days from the date of mailing of notice to the last known owners of record of the assessments required by sections 204.705 to 204.755.

204.740. 1. To correct omissions, errors or mistakes in the original assessment which relate to the total cost of an improvement, the board of trustees of the district may, without a notice or hearing, make supplemental or additional assessments on property within a sanitary sewer improvement area, except that such supplemental or additional assessments shall not, without a new petition as provided in sections 204.705 to 204.755, exceed twenty-five percent of the estimated cost of the improvement as set forth in the petition pursuant to the provisions of sections 204.705 to 204.755.

2. When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any property, or in the event the board of trustees finds that the assessment or any part thereof is excessive or determines on advice of counsel in writing that it is or may be invalid for any reason, the board of trustees may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such property.

204.745. An assessment authorized pursuant to sections 204.705 to 204.755, once determined and imposed, shall constitute a lien against such property until paid in full and shall not be affected by the existence or enforcement of any other liens or encumbrances, nor shall enforcement of an assessment lien have any effect on the validity or enforcement of any tax lien or lien established by mortgage or deed of trust. An assessment lien becomes delinquent when an assessment is not paid in full as prescribed by sections 204.705 to 204.755 or when one or more periodic installments imposed by the district for an assessment remain unpaid for a period of thirty days or more after notice of delinquency in payment is mailed to the last known owners of the property subject to assessment by regular United States mail and by certified mail, return receipt requested, at their last known address provided by such owners to the district and to the occupant of property which is subject to assessment, if different from that of the owners. In the event any such user fee remains unpaid after thirty days of the mailing of any such notice, and in addition to any other remedy the district may have by statute or duly enacted

regulation for the collection of delinquent amounts owed to the district, the district shall be entitled to petition the circuit court having jurisdiction to foreclose upon the assessment lien by special execution sale of the property subject to the assessment for the unpaid assessment plus reasonable attorney's fees, court costs and other reasonable costs incurred by the district in collection. In any such suit, the district shall name all parties appearing of record to have or claim an interest in the property subject to the unpaid assessment and shall file a notice of lis pendens in connection with said action; in addition, the district may obtain a judgment against last known owners of the property for any deficiency in payment of the assessment and costs and fees made a part of the court's judgment.

204.750. After an improvement has been authorized pursuant to sections 204.705 to 204.755, the board of trustees of the district may issue temporary notes of the district to pay the costs of such improvement in an amount not to exceed the estimated cost of such improvement, and such temporary notes may be issued in anticipation of issuance of general or special revenue bonds of the district. The district may participate in any governmentally sponsored bond pooling program or other bond program. Bonds may be issued and made payable from general revenues of the area or district, or from special revenues from designated properties within an area.

204.755. A separate fund or account shall be created by the district for each improvement project and each such fund or account shall be identified by a suitable title. The proceeds from the sale of bonds and temporary notes and any other moneys appropriated thereto by the board of trustees of the district shall be credited to such funds or accounts. Such funds or accounts shall be used solely to pay the costs incurred in making each respective improvement. Upon completion of an improvement, the balance remaining in the fund or account established for such improvement, if any, may be held as contingent funds for future improvements or may be credited against the amount of the original assessment of each parcel of property, on a pro rata basis based on the amount of the original assessment, and with respect to property owners that have prepaid their assessments in accordance with sections 204.705 to 204.755, the amount of each such credit shall be refunded to the appropriate property owner, and with respect to all other property owners, the amount of each such credit shall be transferred and credited to the district bond and interest fund to be used solely to pay the principal of and interest on the bonds or temporary notes and the assessments shall be reduced accordingly by the amount of such credit.

204.760. Any public sanitary sewer district or reorganized sewer district organized and operated pursuant to this chapter or chapter 249, RSMo, and any metropolitan sewer district organized pursuant to the constitution of this state, may enter into a cooperative agreement with a city or county for the purpose of constructing sanitary sewer system improvements pursuant to the provisions of the neighborhood improvement district act, sections 67.453 to 67.475, RSMo. Any such cooperative agreement, if approved by the governing bodies of the district and city or county, may include provisions for joint administration of projects, for the issuance of temporary notes and general obligation bonds by district, city or county, separately or jointly, and for the payment of such bonds by any source of funds or user fees in addition to funds from special assessments as provided for in sections 67.453 to 67.475, RSMo, and general ad valorem taxes, so long as all terms, conditions and covenants of any applicable bond indenture are complied with and so long as said notes and bonds are issued in compliance with general applicable law."; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after said line the following:

"644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission

into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act. **Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, it shall not be unlawful to emit or discharge a water contaminant that is totally confined on the owner's property and subject to clean up and remediation as soon as practical.**

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision

of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

644.581. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.582. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.583. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMO, and in this chapter.

Section 1. 1. In any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants, the governing body of such city shall allow owners of real property located beyond the corporate limits of such city to connect sanitary sewer lines serving improvements constructed or to be constructed in accordance with applicable county ordinances on the respective parcel of real property to any sanitary sewer line of such city located within an easement on the respective parcel of real property provided that the following conditions are met:

- (1) The easement is located on a tract of real estate adjacent to a state highway;**
 - (2) The tract of real estate across which the easement is located constitutes a tract of real property containing more than thirty acres and is located within two miles of karst topography;**
 - (3) The easement and sanitary sewer line located therein have been in existence for more than ten years;**
- and**
- (4) The owner of the respective parcel of real property pays the normal and customary connection fees associated with such connection.**

2. In no event shall the annexation of the respective parcel of real property by such city constitute a condition precedent to the owner's right to connect with any sanitary sewer line of such city."; and

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

Speaker Pro Tem Jetton assumed the Chair.

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

The Chair ruled the point of order not well taken.

Representative Stevenson offered **House Amendment No. 1 to House Amendment No. 5.**

House Amendment No. 1
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 52, Section 644.051, Line 14 of said page, by inserting immediately after the word “**property**” the words “, **does not reach waters of the state,**”.

On motion of Representative Stevenson, **House Amendment No. 1 to House Amendment No. 5** was adopted.

Representative Graham offered **House Amendment No. 2 to House Amendment No. 5**.

House Amendment No. 2
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 1, by deleting all of said section.

Representative Graham moved that **House Amendment No. 2 to House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Merideth offered **House Amendment No. 3 to House Amendment No. 5**.

House Amendment No. 3
to
House Amendment No. 5

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 2, Section 204.600, Line 3, by inserting immediately after the word “**RSMo,**” the words “**except sewer districts subject to section 204.472, RSMo,**”.

On motion of Representative Merideth, **House Amendment No. 3 to House Amendment No. 5** was adopted.

On motion of Representative Cooper (120), **House Amendment No. 5, as amended**, was adopted.

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

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 2, by inserting after the number "260.831," the number "278.258,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "260.831," the number "278.258,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "260.831," the number "278.258,"; and

Further amend said bill, Page 7, Section 260.831, Line 25, by inserting after all of said line the following:

"278.258. 1. After a watershed subdistrict has been organized and the organization tax pursuant to section 278.250 has been levied, any county in the subdistrict which has not adopted the annual tax pursuant to section 278.250 may detach from the subdistrict upon approval of such detachment of a majority of the qualified voters [residing] **voting on the proposed detachment** within such subdistrict in such county; however, before such detachment the watershed district trustees shall make arrangements for the county to pay any outstanding indebtedness for services or works of improvement rendered by the subdistrict in such county.

2. Following the entry in the official minutes of the trustees of the watershed district of the detachment of the county, the watershed district trustees shall certify this fact on a separate form, authentic copies of which shall be recorded with the recorder of deeds in each county in which any portion of the watershed subdistrict lies and with the state soil and water districts commission."; and

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

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

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

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the after "643.078," the phrase "and 1, 2, 3, and 4,"; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. The air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board and land reclamation commission assigned to the department of natural resources are hereby granted and shall have the authority to exercise all powers necessary or appropriate to carry out and effectuate their purposes pursuant to the provisions of chapters 260, 319, 444, 643 and 644, RSMo, as amended, including, but not limited to, the following:

(1) To sue and be sued;

(2) To employ managers and other employees and retain or contract with engineers, architects, accountants, financial consultants, attorneys and such other persons, firms, or corporations who are necessary in its judgment to carry out its duties, and to fix the compensation thereof, consistent with available appropriations; and

(3) To settle and compromise any claim or cause of action brought by, on behalf of, or against the board

or commission.

Section 2. 1. Each commission in section 1 of this act shall adopt, and may amend, promulgate, or repeal after due notice and hearing in accordance with chapter 536, RSMo, rules and regulations establishing rules of practice and procedure, including but not limited to the establishment of filing fees and assessment of hearing costs, applicable to any appeal or hearing heard by the commission pursuant to chapter 536, RSMo.

2. Until such time that each commission listed in section 1 of this act adopts rules of practice, the general procedures in the following rules adopted by the Missouri Bar shall control in all appeals heard by any commission: rules 56, 57, 58, 59, 61 and 74.04, as amended.

Section 3. 1. There is hereby created an "Office of Commission Support" within the department of natural resources. The office of commission support shall be managed by a director appointed by a majority vote of the chairs of the commissions listed in section 1 of this act. One full time equivalent employee with a classification of planner and one full time equivalent employee with the classification of clerk or typist are hereby transferred from the department of natural resources to serve as staff for the office of commission support. For fiscal years 2003 to 2008, ten thousand dollars from the air pollution control fund, hazardous waste fund, water pollution control fund, solid waste management fund, natural resources protection fund, natural resources protection fund-water pollution permit fees subaccount, natural resources protection fund-air pollution permit fees subaccount, soil and water sales tax fund, the mined land reclamation fund, and natural resources revolving services fund, respectively, shall be made available annually, upon appropriation, for personal service and expense and equipment.

2. The director of the office of commission support shall, in his or her discretion, institute such procedures, set such policies, and organize such structures in order to maintain neutrality and independence in all functions of the boards and commissions. The director shall provide advice and assistance to the board and commissions assigned to the department of natural resources in all administrative, budget, fiscal, personnel and related matters. The director shall serve as a clearinghouse for all notices of proposed rules as described in subsections 3 and 4 of section 4 of this act. The director shall supervise all work groups appointed by any board or commission.

Section 4. 1. At least sixty days prior to transmitting a notice of proposed rulemaking to the secretary of state for any rule to be considered by the department of natural resources or by the air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board or land reclamation commission, the department of natural resources shall provide a copy of the notice of proposed rulemaking to the members of the board or commission having jurisdiction over the notice of proposed rulemaking and to all persons or entities that participated in the underlying proceeding concerning the development of the proposed rule.

2. The department of natural resources may transmit the notice of proposed rulemaking to the secretary of state only after the board or commission having jurisdiction over the proposed rulemaking has approved the form and content of the notice of proposed rulemaking. Where no board or commission is involved in the adoption of the proposed rule, the department of natural resources may transmit the notice of proposed rulemaking sixty days after the issuance of the notice required in subsection 1 of this section to persons or entities that participated in the underlying proceeding.

3. Any board or commission may in its discretion appoint a work group comprised of interested parties to consider whether particular rules should be adopted or amended. Any such work group shall attempt to develop a consensus which shall be reported to the commission that appointed the work group.

4. Any notice of proposed rulemaking transmitted by the department of natural resources to the secretary of state without complying with the notice and approval requirements in subsections 1 and 2 of this section is void."; and

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

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

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

House Amendment No. 8 was withdrawn.

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

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) "Aquaculture facility", a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.;

(2) "Commission", the clean water commission of the state of Missouri created in section 644.021;

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the department of natural resources;

(5) "Director", the director of the department of natural resources;

(6) "Discharge", the causing or permitting of one or more water contaminants to enter the waters of the state;

(7) "Effluent control regulations", limitations on the discharge of water contaminants;

(8) "General permit", a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;

(9) "Human sewage", human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;

(10) "Income" includes retirement benefits, consultant fees, and stock dividends;

(11) "Minor violation", a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(12) "Permit by rule", a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;

(13) "Permit holders or applicants for a permit" shall not include officials or employees who work full time for any department or agency of the state of Missouri;

(14) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(15) "Point source", any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. **This term does not include agricultural stormwater discharges and return flows from irrigated agriculture;**

(16) "Pollution", such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

(17) "Pretreatment regulations", limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;

(18) "Residential housing development", any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

(19) "Sewer system", pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

(20) "Significant portion of his or her income" shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

(21) "Site-specific permit", a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

(22) "Treatment facilities", any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

(23) "Water contaminant", any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

(24) "Water contaminant source", the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 [and nonpoint source pursuant to any federal water pollution control act], which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly. **This term does not include agricultural stormwater discharges and return flows from irrigated agriculture;**

(25) "Water quality standards", specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

(26) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state."; and

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

On motion of Representative Behnen, **House Amendment No. 9** was adopted by the following vote:

AYES: 099

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bland
Bough	Boykins	Bringer	Bruns	Byrd
Cooper 120	Cooper 155	Crawford	Crowell	Cunningham 145
Cunningham 86	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dougherty	Dusenberg	Emery	Engler
Ervin	Goodman	Guest	Hampton	Henke
Hobbs	Holand	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Kratky	Kuessner	Lager	Lembke	Lipke
Luetkemeyer	Mayer	McKenna	Miller	Morris
Munzlinger	Myers	Nieves	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Schneider
Self	Shoemyer	Smith 118	Smith 14	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wagner	Wallace	Wasson
Whorton	Willoughby	Wilson 119	Wilson 130	Witte

Wood Wright Yates Madam Speaker

NOES: 053

Bishop	Brooks	Burnett	Campbell	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
El-Amin	Fraser	George	Graham	Green
Harris 110	Harris 23	Haywood	Hilgemann	Hoskins
Hubbard	Johnson 61	Johnson 90	Jolly	Jones
Kelly 36	LeVota	Liese	Lowe	Meiners
Merideth	Muckler	Page	Parker	Sager
Salva	Schoemehl	Selby	Skaggs	Spreng
Thompson	Villa	Vogt	Walker	Walsh
Walton	Ward	Wildberger	Wilson 25	Wilson 42
Yaeger	Young	Zweifel		

PRESENT: 002

Abel Fares

ABSENT WITH LEAVE: 009

Adams	Brown	Carnahan	Lawson	Marsh
May	Moore	Seigfreid	Shoemaker	

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

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 260.831, Line 25, by inserting after all of said line the following:

"319.115. 1. No person shall undertake the installation, repair, or removal, of an underground storage tank unless he or she has on file with the department of agriculture, weights and measures division the following:

(1) Documentation showing that the person has general liability insurance, pollution liability insurance, and professional liability insurance, or net worth of not less than one million dollars; and

(2) Documentation showing that the person complies with the applicable sections of Title 29 of the Code of Federal Regulations general labor, safety, and health standards, which include Hazardous Waste Operations Training, Emergency Response Training, Confined Space Training, Protective Equipment Training, and Respiratory Protection Training.

2. No person shall undertake site assessment or corrective action in response to a release from an underground storage tank unless he or she has on file with the department of agriculture, weights and measures division the following:

(1) Documentation showing that the person has general liability insurance, pollution liability insurance, and professional liability insurance, or net worth of not less than one million dollars; and

(2) Documentation showing that the person complies with the applicable sections of Title 29 of the Code of Federal Regulations general labor, safety, and health standards, which include Hazardous Waste Operations Training, Emergency Response Training, Confined Space Training, Protective Equipment Training, and Respiratory Protection Training.

3. No person shall be entitled to receive any payments, reimbursements, or remuneration of any kind from the petroleum storage tank insurance fund unless the work for which payment is requested was performed by a person who has met the requirements of subsections 1 and 2 of this section."; and

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

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

Representative Smith (14) offered **House Amendment No. 11.**

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 260.219, Lines 1-2, by deleting all of said lines; and

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

Representative George offered **House Substitute Amendment No. 1 for House Amendment No. 11.**

*House Substitute Amendment No. 1
for
House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 260.219, Lines 1 and 2, by deleting all of said section and inserting lieu thereof the following:

"260.219. No local government or political subdivision shall provide commercial solid waste collection services in the unincorporated areas outside its boundaries unless no other service is available.

260.247. 1. Any [city] **local government or political subdivision** which annexes an area or enters into or expands solid waste collection services into an area where the collection of solid waste is presently being provided by one or more private entities shall notify the private entity or entities of its intent to provide solid waste collection services in the area by certified mail.

2. A [city] **local government or political subdivision** shall not commence solid waste collection in such area for at least two years from the effective date of the annexation or at least two years from the effective date of the notice that the [city] **local government or political subdivision** intends to enter into the business of solid waste collection or to expand existing solid waste collection services into the area, unless the city contracts with the private entity or entities to continue such services for that period. **If the local government or political subdivision has not engaged in or started the process to engage in the business of solid waste collection services or expand existing solid waste collection services in the area within the two years of notification, then the political subdivision shall again notify private entity or entities pursuant to subsection 1 of this section.**

3. If the services to be provided under a contract with the [city] **local government or political subdivision** pursuant to subsection 2 of this section are substantially the same as the services rendered in the area prior to the decision of the [city] **local government or political subdivision** to annex the area or to enter into or expand its solid waste collection services into the area, the amount paid by the [city] **local government or political subdivision** shall be at least equal to the amount the private entity or entities would have received for providing such services during that period.

4. Any private entity or entities which provide collection service in the area which the [city] **local government or political subdivision** has decided to annex or enter into or expand its solid waste collection services into shall make available upon written request by the [city] **local government or political subdivision** not later than thirty days following such request, all information in its possession or control which pertains to its activity in the area necessary for the [city] **local government or political subdivision** to determine the nature and scope of the potential contract.

5. The provisions of this section shall apply to private entities that service fifty or more residential accounts or fifteen or more commercial accounts in the area in question."; and

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

On motion of Representative George, **House Substitute Amendment No. 1 for House Amendment No. 11** was adopted.

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

House Amendment No. 12

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seventeen" and inserting in lieu thereof the word "eighteen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "and"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting the after "643.078," the phrase "and 1,"; and

Further amend said bill, Page 23, Section 643.078, Line 89, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding other provisions of law, any aggrieved person or entity that participated in the underlying proceeding shall have the right to appeal to the air conservation commission, clean water commission, hazardous waste management commission, petroleum storage tank insurance fund board, or land reclamation commission from any finding, order, decision, or assessment made by such board or commission or the department. An aggrieved party seeking relief shall demonstrate that he or she has a specific and legally cognizable interest in the subject matter of the administrative action and that he or she has been directly and substantially affected thereby.

2. Participation in the underlying proceeding means an affirmative act involving the submission of comments or information concerning the underlying subject matter, and includes but is not limited to, filing comments on a proposed action or making comments at a public meeting. The board or commission may excuse the participation requirement only for good cause shown by the aggrieved party.

3. Notice of such decision shall be sent by the board or commission to all persons or entities that participated in the underlying proceeding. Any such aggrieved person or entity may file an appeal with the commission within thirty days after valid service and receipt of any such finding, order, decision, or assessment.";
and

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

On motion of Representative Guest, **House Amendment No. 12** was adopted by the following vote:

AYES: 096

Angst	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bivins	Black	Bough
Bringer	Bruns	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Fares	George
Goodman	Guest	Hampton	Hobbs	Holand
Hoskins	Hunter	Icet	Jackson	Jetton
Johnson 47	Jones	Kelly 144	Kelly 36	King
Kingery	Kuessner	Lager	Lembke	Liese
Lipke	Luetkemeyer	Mayer	Merideth	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sager	Sander	Schaaf
Schlottach	Schneider	Self	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Whorton

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Wilson 119
Madam Speaker

Wilson 130

Wood

Wright

Yates

NOES: 055

Abel

Bishop

Bland

Boykins

Brooks

Burnett

Campbell

Corcoran

Curls

Darrough

Daus

Donnelly

Dougherty

El-Amin

Fraser

Graham

Green

Harris 110

Harris 23

Henke

Hilgemann

Hubbard

Johnson 61

Johnson 90

Jolly

Kratky

LeVota

McKenna

Meiners

Muckler

Page

Parker

Ransdall

Salva

Schoemehl

Selby

Shoemyer

Skaggs

Spreng

Thompson

Villa

Vogt

Walker

Walsh

Walton

Ward

Wasson

Wildberger

Willoughby

Wilson 25

Wilson 42

Witte

Yaeger

Young

Zweifel

PRESENT: 002

Byrd

Haywood

ABSENT WITH LEAVE: 010

Adams

Brown

Carnahan

Lawson

Lowe

Marsh

May

Seigfreid

Shoemaker

Wagner

Representative Harris (110) offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 5, by inserting after all of said line the following:

"260.214. 1. The department of natural resources shall not issue a permit to any person for the operation of any solid waste disposal area pursuant to sections 260.200 to 260.345 if such disposal area is to be located within one-quarter mile of an occupied residence or within one-quarter mile of a stream, creek, river, or other waterway.

2. No solid waste disposal area shall exceed a height of twenty-five feet above the maximum height of any natural ground elevation within one-half mile of such disposal area."; and

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

Representative Harris (110) moved that **House Amendment No. 13** be adopted.

Which motion was defeated by the following vote:

AYES: 067

Abel

Barnitz

Bishop

Bland

Bringer

Brooks

Burnett

Campbell

Corcoran

Curls

Darrough

Daus

Davis 122

Donnelly

Dougherty

El-Amin

Fares

Fraser

George

Graham

Green

Hampton

Harris 110

Harris 23

Haywood

Henke

Hilgemann

Hoskins

Hubbard

Johnson 61

Johnson 90

Jolly

Jones

Kelly 36

Kratky

Kuessner

LeVota

Liese

Lowe

McKenna

Meiners	Merideth	Muckler	Page	Ransdall
Sager	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Walker	Walsh	Walton	Ward	Whorton
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Young	Zweifel			

NOES: 087

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Boykins
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dusenberg	Emery
Engler	Ervin	Goodman	Guest	Hobbs
Holand	Hunter	Iceet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lembke	Lipke	Luetkemeyer	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Salva	Sander
Schaaf	Schlottach	Schneider	Self	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

PRESENT: 001

Yaeger

ABSENT WITH LEAVE: 008

Adams	Brown	Carnahan	Lawson	Marsh
May	Shoemaker	Wagner		

Representative Fraser requested a division of the question on **HCS SS SCS SB 36, as amended.**

The division of the question was denied by the Chair.

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Guest	Hobbs
Holand	Hunter	Iceet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager

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Lembke	Lipke	Luetkemeyer	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Schneider	Self	Smith 118	Smith 14
St. Onge	Stefanick	Stevenson	Sutherland	Taylor
Threlkeld	Townley	Viebrock	Wallace	Wasson
Wilson 119	Wilson 130	Wood	Wright	Yates
Madam Speaker				

NOES: 067

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Fraser	George	Graham	Green	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	LeVota
Liese	Lowe	McKenna	Meiners	Merideth
Muckler	Page	Ransdall	Sager	Salva
Schoemehl	Seigfreid	Selby	Shoemyer	Skaggs
Spreng	Thompson	Villa	Vogt	Walker
Walsh	Walton	Ward	Whorton	Wildberger
Willoughby	Wilson 25	Wilson 42	Witte	Yaeger
Young	Zweifel			

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 009

Adams	Brown	Carnahan	El-Amin	Lawson
Marsh	May	Shoemaker	Wagner	

On motion of Representative Myers, **HCS SS SCS SB 36, as amended**, was adopted.

Representative Bringer made a privileged motion that **HCS SS SCS SB 36, as amended**, be referred to the Committee on Budget.

Which motion was adopted.

REFERRAL OF SENATE BILL

HCS SS SCS SB 36, as amended, was referred to the Committee on Budget.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HS HCS HB 455 - Budget (Fiscal Note)

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 11 - Rules

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SS SCS HCS HB 600**, entitled:

An act to repeal sections 32.057, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.081, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.515, 338.520, 338.525, 338.545, 338.550, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof thirty-four new sections relating to tax and fee revenue, with penalty provisions and an emergency clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 11, Senate Amendment No. 13, Part II of Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17, Senate Amendment No. 1 to Senate Amendment No. 18, Senate Amendment No. 18, as amended, Senate Amendment No. 19 and Senate Amendment No. 20.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17 of said page, by inserting immediately after said line the following:

"339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such funds in** a separate bank [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such funds** shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the** financial institution [or], account numbers, **or change in account status.**

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents

for inspection at all times during regular business hours at the broker's usual place of business.

4. Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate **sales** transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] **6.** When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] **7.** Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] **8.** In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 13, Section 71.620, Lines 14-17, by striking all of said lines.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 56-61, Section 306.016, by striking all of said section and inserting in lieu thereof the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number [under] **pursuant to** section 306.030 and all applicable state and local [or in lieu watercraft] taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes [or in lieu watercraft taxes] have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

2. [A boat or vessel documented by the United States Coast Guard or other agency of the federal government and

operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT TAX DUE

\$50,000 or less \$ 650.00

\$50,001 to \$100,000 1,250.00

\$100,001 to \$150,000 1,850.00

\$150,001 to \$200,000 2,450.00

\$200,001 and above 3,050.00

3.] The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number [under] **pursuant to** section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] **3.** The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued [under] **pursuant to** this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] **4.** Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21 of said page, by inserting after all of said line the following:

"143.091. **1.** Any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. **For taxes due on or after December 31, 2003**, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto **enacted on or before January 1, 2003**, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective[, at any time or from time to time.] **on or before January 1, 2003**, for the taxable year.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director or revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:

- (1) The changes of the Internal Revenue Code of 1986;**
- (2) The impact of those changes on state revenue; and**
- (3) The impact of those changes on the various classes and types of taxpayers.**

3. The provisions of subsections 1-2 of this section shall expire December 31, 2008.

4. Beginning January 1, 2009, any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Beginning January 1, 2009, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 12, Section 71.620, Line 28 of said page, by striking the opening bracket "[" and closing bracket "]" on said line; and

Further amend Line 29 of said page, by striking all of said line; and

Further amend said bill, Page 13, Section 71.620, Line 1 of said page, by striking all of said line and inserting in lieu thereof the following: "surgeon in this state, shall be taxed or made"; and

Further amend Line 4 of said page, by inserting after "calling," the following:

"and, after December 31, 2003, no investment funds service corporation as defined in section 143.451, RSMo, may be required to pay any such license fee in excess of twenty-five thousand dollars annually,".

Senate Amendment No. 8

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 26-28, Section 144.025 of said pages, by striking all of said section and inserting in lieu thereof the following:

"144.025. **1.** Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsections [3] **4 and 5** of this section, where any article **on which sales or use tax has been paid, credited or otherwise satisfied or which was exempted or excluded from sales or use tax** is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be

computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. **Where the article being traded in for credit or part payment is a motor vehicle, trailer, boat or outboard motor the person trading in the article must be the owner or holder of a properly assigned certificate of ownership. For the purpose of determining sales or use tax liability from a sale of a motor vehicle, trailer, boat or outboard motor, no deduction shall be allowed from the purchase price of the motor vehicle, trailer, boat or outboard motor for the actual allowance of any article other than a motor vehicle, trailer, boat or outboard motor traded or exchanged as a credit or partial payment for such item.** Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection."

Senate Amendment No. 9

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 32.057, Line 18 of said page, by inserting after all of said line the following:

"34.010. 1. The term "department" as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments.

2. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

3. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

4. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393, RSMo, or as in this chapter otherwise provided.

5. The term "reverse auction" used in this chapter shall mean a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the first, lowest, responsive, and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

34.031. 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

(a) Forty percent recovered materials for newsprint;

(b) Eighty percent recovered materials for paperboard;

(c) Fifty percent waste paper in high grade printing and writing paper;

(d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state[;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995].

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical without approval from the commissioner of administration. Approval shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director of the department of natural resources and the commissioner that there is no environmentally more acceptable alternatives or the quality of such alternatives is not adequate for the purpose intended.

5. For each paper product type and corresponding recycled paper content standard pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[;

(1) Ten percent in 1991 and 1992;

(2) Twenty-five percent in 1993 and 1994;

(3) Forty percent in 1995; and

(4)] sixty percent by 2000.

6. In the review of capital improvement projects for buildings and facilities of state government, the commissioner of administration shall direct the division of design and construction to give full consideration to alternatives which use solid waste, as defined in section 260.200, RSMo, as a fuel for energy production or which use products composed of materials recovered from solid waste.

7. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall prepare and provide by January first of each year an annual report summarizing past activities and accomplishments of the program and proposed goals of the program including projections for each affected agency. The report shall also include a list of products utilizing recovered materials that could substitute for products currently purchased and a schedule of amounts purchased of products utilizing recovered materials compared to purchases of similar products utilizing virgin materials for the period covered by the annual report.

8. The office of administration, department of natural resources and department of economic development shall cooperate jointly and share to the greatest extent possible, information and other resources to promote:

- (1) Producers or potential producers of secondary material goods to expand or develop their product lines;
- (2) Increased demand for secondary materials recovered in Missouri; and
- (3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.

34.032. 1. The provisions of section 34.040 to the contrary notwithstanding, each department and agency of the state government, including the general assembly, shall purchase, in the manner provided by law, and use recycled paper when recycled paper can be obtained that is comparable to the quality presently used by the department or agency and if the price is competitive. [For the purposes of this section, "competitive" means a price within ten percent of the price of items which are manufactured or produced from virgin materials.] Attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[:

- (1) Ten percent in 1991 and 1992;
- (2) Twenty-five percent in 1993 and 1994;
- (3) Forty percent in 1995; and
- (4)] sixty percent by 2000.

2. Each department and agency of state government shall also purchase a minimum of fifteen percent recycled motor oil for use in motor vehicles.

3. Each department and agency of state government shall cause to be recycled:

(1) A minimum of twenty-five percent of paper products used or fifty percent of the paper disposed of, whichever is greater;

(2) Seventy-five percent of all used motor oil.

4. Each department and state agency shall, to the maximum extent practicable, separate plastics, paper, metals and other recyclable items [by July 1, 1990].

5. [By January 1, 1990,] Each department and state agency shall develop, in cooperation with the office of administration, and implement a policy for recycling and waste reduction. Each department and agency shall collect and recycle waste paper and empty aluminum beverage containers generated by employee activity. The office of the governor and the general assembly shall implement a policy for recycling and waste reduction and shall collect and recycle waste paper and aluminum beverage containers generated within its facilities. Recycling programs for agency offices located outside of the city of Jefferson may be coordinated through the office of administration or operated locally provided that the office of administration reviews and approves such programs. Proceeds from the sale of recycled materials may be used to offset costs of the recycling program. Any moneys found by the office of administration to be in excess of costs incurred shall be transferred to the department of social services to be used by the heating assistance program pursuant to sections 660.100 to 660.135, RSMo.

6. The department of higher education, in cooperation with the office of administration and state colleges and universities, shall develop and distribute guidelines for waste reduction and the collection of recyclable materials generated in classrooms, administrative offices, dormitories, cafeterias and similar campus locations.

7. Bid specifications for solid waste management services issued by any department or agency of state government shall be designed to meet the objectives of sections 260.255 to 260.325, RSMo, encourage small businesses to engage and compete in the delivery of waste management services and to minimize the long run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. Bids for solid waste management services to state departments and agencies located within the seat of government shall be issued in units in order to maximize opportunities for small business to provide solid waste management services to the state. Each department and agency shall designate one person in an existing position to serve as a solid waste management coordinator to ensure that the agency and the office of administration cooperate to meet the requirements of this section.

34.062. The negotiated underwriting of obligations issued by or on behalf of this state, any state governmental entity, or any state agency, shall be senior managed by underwriting firms headquartered in this state, as long as such companies are qualified and price competitive.

34.070. In making purchases, the commissioner of administration shall give preference to all commodities manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

34.073. 1. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

2. Notwithstanding the requirements of subsection 1 of this section, the commissioner of administration shall give further preference as required by section 34.076."; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"[34.065. Where, because of the large number of possible bidders for a particular purchase, it is impractical to submit a request for a bid to all possible bidders each time a bid is requested, request shall be made in rotation pursuant to the regulation of the commissioner of administration so as ultimately to include all the possible bidders, except that recognized competitive bidders shall be solicited in each instance.]

[34.130. On or before May first of each year, each department shall submit to the commissioner of administration a classified list of its estimated needs for supplies for the following fiscal year. The commissioner of administration shall consolidate these and may purchase the entire amount or such part thereof at one time as he shall deem best. Any contract for such purchases may provide only the price at which the supplies needed during the year shall be purchased and that the supplies shall be delivered in such amounts and at such times as ordered throughout the year and be paid for at such time and for such amounts as delivered. In such case, certification from the commissioner of administration and the auditor shall be required only for the amount ordered at any time.]"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17, by inserting immediately after said line the following:

"479.051. 1. Any city, county or township may provide by ordinance an administrative adjudication system for adjudicating parking and other non-moving municipal code violations to the extent permitted by court rules. The adoption by a city, county, or township of an administrative adjudication system does not preclude the city, county, or township from using other methods to enforce ordinances. This statute shall not affect the validity of other administrative adjudication systems authorized by state law and created prior to the effective date of this statute.

2. An ordinance establishing an administrative adjudication system shall provide for an administrative adjudication unit or alternative, which could include the municipal division of a circuit court, define the jurisdiction and role of that unit and describe the means by which the municipality shall provide suitable facilities and operating resources for operating the administrative adjudication system. The ordinance shall designate the types of municipal code violations deemed appropriate for administrative adjudication consistent with applicable state law. The administrative adjudication unit shall operate under the supervision of the circuit court.

3. The administrative adjudication unit, as provided in this section, shall establish and maintain a system for adjudicating parking violations and any other municipal code violations designated for administrative adjudication by ordinance. The administrative adjudication system shall include operating policies and procedures, including but not limited to, appeal criteria, documentation requirements, notification deadlines, and forms, subject to the approval of the circuit court. The administrative adjudication system shall afford parties due process of law.

4. The adjudication process may involve a one-step administrative hearing or a two-step administrative review and administrative hearing. If the city, county, or township adopts a one-step process, individuals must apply for an administrative hearing to contest a municipal code violation. If the city, county, or township adopts a two-step process, individuals must first apply for an administrative review to contest a municipal code violation and then, if dissatisfied with the results of the administrative review, may apply for an administrative hearing. Any failure to request an administrative review or hearing in accordance with the rules established by the administrative adjudication unit, as provided in this section, shall be considered an admission of liability.

5. The administrative reviews and hearings authorized pursuant to this section shall be designed to ensure a fair and impartial consideration of the contested code violation. The formal and technical rules of evidence shall not apply in any administrative review or hearing authorized pursuant to this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The officer or person who issued the notice of municipal code violation shall not be required to participate in an administrative review or hearing. The agency that issued the municipal code violation need not produce any evidence other than the notice of municipal code violation or copy thereof and information received from an appropriate state or local agency identifying the property owner of record. Such documentation in proper form shall be prima facie evidence of the municipal code violation.

6. An administrative review shall entail an informal review process through which the individual may contest a municipal code violation by mail, in person or other means approved by the administrative adjudication unit, as provided in subsection 2 of this section. The individual's right to an administrative review shall expire if the city does not receive a documented challenge to the municipal code violation within seven calendar days of issuing the original violation or the time period prescribed by local ordinance, whichever is later. In a city, county, or township adopting the two-step administrative adjudication process, individuals who fail to exercise their right to an administrative review in accordance with the prescribed rules shall also lose their right to an administrative hearing. The administrative adjudication unit, as provided in subsection 2 of this section, shall appoint or contract with qualified individuals to conduct administrative reviews.

7. An administrative hearing shall entail a formal hearing through which the individual may contest a municipal code violation or, for a city, county, or township with a two-step appeal process, an administrative review finding in person before an administrative hearing officer. Administrative hearings shall be scheduled with reasonable promptness and any notice of an administrative hearing shall include the code violation type and nature, the administrative hearing date and location, the legal authority and jurisdiction of the administrative adjudication unit, as provided in this section, and the penalties for failing to appear at the hearing. The individual's right to an administrative hearing shall expire if the city does not receive a written challenge to the administrative review results within seven calendar days of notifying the individual of the results of the administrative review or, if the municipality has a one-step appeal process, fourteen calendar days of issuing the original violation.

8. The administrative adjudication unit, as provided in this section, shall appoint or contract with qualified administrative hearing officers to preside over administrative hearings. As impartial and independent fact finders, administrative hearing officers may:

- (1) Hear testimony and review relevant evidence;
- (2) Issue subpoenas directing witnesses to appear and give relevant testimony;
- (3) Preserve and authenticate hearing records and evidence;
- (4) Issue written findings of fact and conclusions of law, including the fine, penalty, or action with which the parties must comply; and
- (5) Impose penalties and assess costs consistent with applicable law.

An administrative hearing officer shall be an attorney licensed to practice law in the state of Missouri for at least three years and possess sufficient competence to adjudicate municipal code violations, including, but not limited to, experience in administrative law, familiarity with the rules of procedure for administrative hearings, and a working knowledge of each subject area of the municipal code violations that they will adjudicate. An administrative hearing officer's employment and compensation shall not, directly or indirectly, be linked to the amount of fines. The municipality may establish additional policies and procedures for ensuring that administrative hearing officers demonstrate the objectivity and qualifications necessary to conduct fair, impartial, and expeditious hearings.

9. An administrative adjudication unit may not impose a penalty of incarceration or a fine in excess of the amount allowed by state or local law. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures pursuant to chapter 536, RSMo, are a debt due and owing the municipality and may be collected in accordance with applicable law. Any fine, sanction, costs, or other charges assessed by the administrative adjudication unit shall be deposited into the municipal treasury in accordance with applicable state and local laws and rules for that particular municipality.

10. Any final decision by an administrative adjudication unit, as provided in this section, that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review pursuant to chapter 536, RSMo.

11. After expiration of the period in which judicial review pursuant to chapter 536, RSMo, may be sought

for a final determination of a municipal code violation, unless stayed by a court of competent jurisdiction, the findings of fact and conclusions of law of the administrative hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. If a defendant fails to comply with an order of the administrative hearing officer, any expenses incurred by the municipality to enforce the order, including, but not limited to, attorney, court, administrative, vehicle storage, and property demolition or foreclosure costs, after they are fixed by an administrative hearing officer or a court of competent jurisdiction, shall be a debt due the municipality and may be collected in accordance with applicable law. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property, or both, of the defendant in the amount of any debt due the municipality pursuant to this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21, by inserting after all of said line the following:

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

2. There shall be added to his federal adjusted gross income:

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

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

(c) The amount of any deduction that is included in the computation of federal taxable income under Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, [2003] **2004**, and to the extent the amount deducted exceeds the amount that would have been deductible under Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, except for any deduction for net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period not to exceed twenty years and carries backward for not more than two years.

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

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

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

(c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of Missouri for

a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

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

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

(f) The portion of capital gain specified in subsection 3 of section 144.747, RSMo, that would otherwise be included in federal adjusted gross income; and

(g) The amount that would have been deducted in the computation of federal taxable income under Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, [2003] **2004**, and to the extent that amount exceeds the amount actually deducted under Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002.

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

5. There shall be added to or subtracted from his federal adjusted gross income the modifications provided in section 143.411.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

Part II

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 24, Section 143.225, Line 28 of said page, by inserting after all of said line the following:

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

(1) “Affiliated group”, as defined in section 1504 of the Internal Revenue Code;

(2) “Intangible expenses and costs”, includes:

(a) Expenses, losses, and costs for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, or management, ownership, sale, exchange, or any other disposition of intangible property to the extent such amounts are allowed as deductions or costs in determining taxable income before operating loss deduction and special deductions for the taxable year under the Internal Revenue Code;

(b) Losses related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions;

(c) Royalty, patent, technical, and copyright fees;

(d) Licensing fees; and

(e) Other similar expenses and costs;

(3) “Intangible property”, patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets;

(4) “Interest expenses and costs”, amounts directly or indirectly allowed as deductions under section 163 of the Internal Revenue Code of 1986, as amended, for purposes of determining taxable income under the Internal Revenue Code of 1986, as amended, to the extent such expenses and costs are directly or indirectly for, related to, or in connection with the direct or indirect acquisition, maintenance, management, ownership, sale, exchange, or disposition of intangible property;

(5) “Related entity” means:

(a) A stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, as amended, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent of the value of the taxpayer's outstanding stock;

(b) A stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty percent of the value of the taxpayer's outstanding stock; or

(c) A corporation, or a party related to the corporation in a manner that would require an attribution of

stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, as amended, if the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty percent of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986, as amended, shall apply for purposes of determining whether the ownership requirements of this subdivision have been met;

(6) "Related member", a person that, with respect to the taxpayer during all or any portion of the taxable year, is a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code of 1986, as amended, or is a person to or from whom there is attribution of stock ownership in accordance with section 1563(3) of the Internal Revenue Code of 1986, as amended.

2. For purposes of computing its Missouri taxable income under section 143.431, a corporation shall add to its federal taxable income any amount deducted in the calculation of its federal taxable income for interest expenses and costs and intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members for the taxable year.

3. The adjustments required in subsection 2 of this section shall not apply to such portion of interest expenses and costs and intangible expenses and costs that the corporation can establish by the preponderance of the evidence meets both of the following:

(1) The related member during the same income year directly or indirectly paid, accrued, or incurred such portion to a person who is not a related member; and

(2) The transaction giving rise to the interest expenses and costs or the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

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

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

"Section 3. In addition to the additions and subtractions from federal taxable income pursuant to subsection 2 of section 143.431, RSMo, there shall be added to federal taxable income any amount defined in section 143.435, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 1, In the Title, Lines 10-11 of said title, by striking the words "tax and fee revenue" and inserting in lieu thereof the words "taxes and fees".

Senate Amendment No. 16

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 61, Section 313.826, Line 13, by inserting after the word "more" the following: **"on electronic devices and twelve hundred dollars or more on table games"**.

Senate Amendment No. 17

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 31, Section 144.081, Line 7, by inserting after all of said line the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such

person's administrators or executors, as provided for in section 144.200.

2. [If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.] **Except as provided in subsection 5 of this section, if any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510 and the remainder, refunded, with interest as determined pursuant to chapter 32, RSMo, to a person legally obligated to remit the tax, provided that duplicate copies of a claim for refund are filed within three years from date of overpayment if:**

(1) **The person legally obligated to remit the tax demonstrates to the satisfaction of the director of revenue that all incorrectly collected or incorrectly computed amounts were or will be refunded or credited to every purchaser that originally paid the tax; or**

(2) **The person legally obligated to remit the tax submits to the director duplicate copies of a claim for refund and amended tax returns showing the correct amount of gross receipts for each reporting period originally filed and proves to the director's satisfaction that the tax originally reported and remitted to the director was paid by such person claiming the refund or credit and was not collected from purchasers.**

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644, RSMo, shall be remitted based upon the location of the place of business of the purchaser.

5. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, and the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, cannot meet the requirements of subsection 2 of this section but has partial information regarding the original purchaser, then such tax shall be considered unclaimed property pursuant to sections 447.500 to 447.595, RSMo.

[5.] 6. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1
to
Senate Amendment No. 18

AMEND Senate Amendment No. 18 to Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 3, Section 260.273, Line 6, by striking the word "January" and inserting in lieu thereof the word "**February**"; and

Further amend said line, by striking the opening bracket "[" and by striking the closing bracket "]"; and

Further amend said line, by striking the numeral "2009".

Senate Amendment No. 18

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 38, Section 208.565, Line 6 of said page, by inserting immediately after said line the following:

"260.273. 1. Any person purchasing a new tire may present to the seller the used tire or remains of such used tire for which the new tire purchased is to replace.

2. A fee for each new tire sold at retail shall be imposed on any person engaging in the business of making retail sales of new tires within this state. The fee shall be charged by the retailer to the person who purchases a tire for use and not for resale. Such fee shall be imposed at the rate of fifty cents for each new tire sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the tire retailer as collection costs, shall be paid to the department of revenue in the form and manner required by the department of revenue and shall include the total number of new tires sold during the preceding month. The department of revenue shall promulgate rules and regulations necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, if the subsequent retail sale in this state is to the ultimate consumer and is subject to the fee.

3. The department of revenue shall administer, collect and enforce the fee authorized pursuant to this section pursuant to the same procedures used in the administration, collection and enforcement of the general state sales and use tax imposed pursuant to chapter 144, RSMo, except as provided in this section. The proceeds of the new tire fee, less four percent of the proceeds, which shall be retained by the department of revenue as collection costs, shall be transferred by the department of revenue into an appropriate subaccount of the solid waste management fund, created pursuant to section 260.330.

4. Up to five percent of the revenue available may be allocated, upon appropriation, to the department of natural resources to be used cooperatively with the department of elementary and secondary education for the purposes of developing educational programs and curriculum pursuant to section 260.342.

5. Up to twenty-five percent of the moneys received pursuant to this section may, upon appropriation, be used to administer the programs imposed by this section. Up to five percent of the moneys received under this section may, upon appropriation, be used for the grants authorized in subdivision (2) of subsection 6 of this section and authorized in section 260.274. All remaining moneys shall be allocated, upon appropriation, for the projects authorized in section 260.276.

6. The department shall promulgate, by rule, a statewide plan for the use of moneys received pursuant to this section to accomplish the following:

- (1) Removal of waste tires from illegal tire dumps;
 - (2) Providing grants to persons that will use products derived from waste tires, or used waste tires as a fuel or fuel supplement; and
 - (3) Resource recovery activities conducted by the department pursuant to section 260.276.
7. The fee imposed in subsection 2 of this section shall terminate January 1, [2004] **2009**."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17 of said page, by inserting after all of said line the following:

“351.120. 1. Every corporation organized pursuant to the laws of this state, including corporations organized pursuant to or subject to this chapter, and every foreign corporation licensed to do business in this state, whether such license shall have been issued pursuant to this chapter or not, other than corporations exempted from taxation by the laws of this state, shall file an annual corporation registration report.

2. The annual corporate registration report shall state the corporate name, the name of its registered agent and such agent's Missouri address, giving street and number, or building and number, or both, as the case may require, the name and correct business or residence address of its officers and directors, and the mailing address of the corporation's principal place of business or corporate headquarters.

3. The annual corporate registration report shall be due [on] the [date] **month** that the [corporation's franchise tax report is due as required in section 147.020, RSMo, or] **corporation incorporated or qualified. Corporations existing prior to the effective date of this section shall file the annual registration report on the month indicated on the corporation's last annual report. Corporations formed on or after the effective date of this section shall file an annual registration report** within thirty days of the date of incorporation [of the corporation. Any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation registration report] **or qualification and every year thereafter in the month that they were incorporated or qualified.**

4. The annual registration report shall be signed by an officer or authorized person.

[4.] **5.** In the event of any [change] **error** in the names and addresses of the officers and directors set forth in an annual registration report [following the required date of its filing and the date of the next such required report], the corporation may correct such information by filing a certificate of correction pursuant to section 351.049.

[5.] **6.** A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

[6.] **7.** A corporation's annual registration report must be filed in a format as prescribed by the secretary of state.

351.140. Each registration required by section 351.120 shall be on a form [to be supplied] **prescribed** by the secretary of state and shall be executed subject to the penalties of [making a false declaration under] section [575.060] **575.040**, RSMo, by [the president, a vice president, the secretary, an assistant secretary, the treasurer or an assistant treasurer] **an officer of the corporation or authorized person.** Whenever any corporation is in the hands of an assignee or receiver, it shall be the duty of such assignee or receiver, or one of them, if there be more than one, to register such corporation and otherwise comply with the requirements of this chapter. The forms shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo.

351.484. The secretary of state may commence a proceeding pursuant to section 351.486 to dissolve a corporation administratively if:

(1) The corporation fails to pay any final assessment of Missouri corporation franchise tax as provided in chapter 147, RSMo, and the director of revenue has notified the secretary of state of such failure;

(2) **The corporation fails or neglects to file the Missouri corporation franchise tax report required pursuant to chapter 147, RSMo, provided the director of revenue has provided a place on both the individual and corporation income tax return to indicate no such tax is due and provided the director has delivered or mailed at least two notices of such failure to file to the usual place of business of such corporation or the corporation's last known address and the corporation has failed to respond to such second notice within thirty days of the date of mailing of the second notice and the director of revenue has notified the secretary of state of such failure;**

(3) **The corporation fails to file any corporation income tax return or pay any final assessment of corporation income tax as provided in chapter 143, RSMo, and the director of revenue has notified the secretary of state of such failure;**

[(2)] (4) The corporation does not deliver its annual report to the secretary of state within thirty days after it is

due;

[(3)] (5) The corporation is without a registered agent or registered office in this state for thirty days or more;

[(4)] (6) The corporation does not notify the secretary of state within thirty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued;

[(5)] (7) The corporation's period of duration stated in its articles of incorporation expires;

[(6)] (8) The corporation procures its franchise through fraud practiced upon the state;

[(7)] (9) The corporation has continued to exceed or abuse the authority conferred upon it by law, or has continued to violate any section or sections of the criminal law of the state of Missouri after a written demand to discontinue the same has been delivered by the secretary of state to the corporation, either personally or by mail;

[(8)] (10) The corporation fails to pay any final assessment of employer withholding tax, as provided in sections 143.191 to 143.265, RSMo, and the director of revenue has notified the secretary of state of such failure; or

[(9)] (11) The corporation fails to pay any final assessment of sales and use taxes, as provided in chapter 144, RSMo, and the director of revenue has notified the secretary of state of such failure.

355.856. 1. Each domestic corporation, and each foreign corporation authorized pursuant to this chapter to transact business in this state, shall file with the secretary of state an annual corporate registration report on a form prescribed and furnished by the secretary of state that sets forth:

(1) The name of the corporation and the state or country under whose law it is incorporated;

(2) The address of its registered office and the name of its registered agent at the office in this state;

(3) The address of its principal office;

(4) The names and **physical** business or residence addresses of its directors and principal officers[];

(5) A brief description of the nature of its activities;

(6) Whether or not it has members;

(7) If it is a domestic corporation, whether it is a public benefit or mutual benefit corporation; and

(8) If it is a foreign corporation, whether it would be a public benefit or mutual benefit corporation had it been incorporated in this state].

2. The information in the annual corporate registration report must be current on the date the annual corporate registration report is executed on behalf of the corporation.

3. The first annual corporate registration report must be delivered to the secretary of state no later than August thirty-first of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual corporate registration reports must be delivered to the secretary of state no later than August thirty-first of the following calendar years. If an annual corporate registration report is not filed within the time limits prescribed by this section, the secretary of state shall not accept the report unless it is accompanied by a fifteen dollar fee. Failure to file the annual registration report as required by this section will result in the administrative dissolution of the corporation as set forth in section 355.706.

4. If an annual corporate registration report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. [If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty days after the effective date of notice, it is deemed to be timely filed.]

5. A corporation may change the corporation's registered office or registered agent with the filing of the corporation's annual registration report. To change the corporation's registered agent with the filing of the annual registration report, the corporation must include the new registered agent's written consent to the appointment as registered agent and a written consent stating that such change in registered agents was authorized by resolution duly adopted by the board of directors. The written consent must be signed by the new registered agent and must include such agent's address. If the annual corporate registration report is not completed correctly, the secretary of state may reject the filing of such report.

6. A corporation's annual registration report must be filed in a format and medium prescribed by the secretary of state.

7. The annual registration report shall be signed by an officer or authorized person and pursuant to this section represents that the signor believes the statements are true and correct to the best knowledge and belief of the person signing, subject to the penalties of section 575.040, RSMo.

356.211. 1. Each professional corporation and each foreign professional corporation shall file with the secretary of state an annual corporation registration report [at the time the corporation's franchise tax report is due. Any extension of time for filing the franchise tax report shall not apply to the due date of the annual corporation registration report. Any corporation that is not required to file a franchise tax report shall still be required to file an annual corporation

registration report] pursuant to section 351.120, RSMo. The corporate registration report shall set forth the following information:

(1) The names and residence or physical business addresses of all officers, directors and shareholders of that professional corporation as of the date of the report;

(2) A statement that each officer, director and shareholder is or is not a qualified person as defined in sections 356.011 to 356.261, and setting forth the date on which any shares of the professional corporation were no longer owned by a qualified person, and any subsequent disposition thereof;

(3) A statement as to whether or not suit has been instituted to fix the fair value of any shares not owned by a qualified person, and if so, the date on which and the court in which the same was filed.

2. The report shall be made on a form to be prescribed and furnished by the secretary of state, and shall be executed by [the president or vice president, subject to the penalties of making a false declaration under section 575.060, RSMo. The form shall bear a notice stating that false statements made therein are punishable under section 575.060, RSMo. A reasonable] **an officer of the corporation or authorized person.**

3. A filing fee [to be set by the secretary of state] **in the amount set out in section 351.125, RSMo**, shall be paid with the filing of each report, and no other fees shall be charged therefor; except that, penalty [and interest] fees may be imposed by the secretary of state for late filings. The report shall be filed subject to the time requirements of section 351.120, RSMo.

[3.] 4. If a professional corporation or foreign professional corporation shall fail to file a report qualifying with the provisions of this section when such a filing is due, then the corporation shall be subject to the provisions of chapter 351, RSMo, that are applicable to a corporation that has failed to timely file the annual report required to be filed under chapter 351, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 20

AMEND Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 28, Section 144.025, Line 16, by inserting immediately after said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component

parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds

derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, **natural gas used in the primary manufacture or processing of any agricultural product as defined in section 348.400, RSMo**, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery, **supplies**, and equipment and [one-half of each purchaser's purchase of] diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) “Domestic use” means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for

common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is

exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003."; and

Further amend the title and enacting clause accordingly.

Emergency Clause adopted.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 379**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 390**, entitled:

An act to repeal section 334.104, RSMo, and to enact in lieu thereof seventeen new sections relating to anesthesiologist assistants, with penalty provisions.

In which the concurrence of the House is respectfully requested.

COMMUNICATION

Mr. Chief Clerk,

The Committee on Budget has adopted the attached motion under Section 33.282, RSMo, and requests that it be printed in the Journal of the House.

/s/ Carl Bearden
Chair, Committee on Budget

MOTION OF APPROVAL UNDER SECTION 33.282, RSMo

Having reviewed the estimates of new tax credits for Fiscal Year 2004 submitted on January 23, 2003, to the chairman of the Budget Committee by the Budget Director pursuant to Section 33.282, RSMo, the Committee on Budget, under the authority of Section 33.282, hereby approves those estimated new tax credits for any tax year beginning after July 1, 2003, and before June 30, 2004, and directs the chairman of the committee to report adoption of this motion to the Chief Clerk of the House and to request that the motion be printed in the Journal of the House.

The following member's presence was noted: Brown.

ADJOURNMENT

On motion of Representative Wright, the House adjourned until 10:00 a.m., Thursday, May 1, 2003.

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 1.

Discussion on policy changes.

Executive Session may follow.

AGRICULTURE

Thursday, May 1, 2003. Hearing Room 1 upon adjournment.

Possible Executive Session.

Public Hearing to be held on: HCR 26, SB 38

BUDGET

Thursday, May 1, 2003, 8:00 a.m. Hearing Room 3. AMENDED NOTICE

Public hearing, fiscal review. Tax credit presentation by Department of Economic Development.

Possible Executive Session.

Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26, SB 69, SB 243, SB 246, SB 556

BUDGET

Tuesday, May 6, 2003, 8:30 a.m. Hearing Room 3.

Public hearing, fiscal review.

Possible Executive Session. Other bills referred for fiscal review.

Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Thursday, May 1, 2003. Side gallery upon adjournment.

Public Hearing to be held on: SB 555

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, May 1, 2003. Hearing Room 7 upon morning recess.

Executive Session to be held on: SB 39

EDUCATION

Thursday, May 1, 2003, 9:00 a.m. Hearing Room 4.

Possible Executive Session. Possible hearing on SCS SB 632 and 644.

Public Hearing to be held on: HJR 1

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Wednesday, May 7, 2003. Hearing Room 3 upon noon adjournment.

Approval of projects of Board of Public Buildings and Revenue Bonds.

Approval of Oversight Division program evaluation reports.

Assign Oversight Division 2003 interim program evaluations.

LOCAL GOVERNMENT

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 199

RETIREMENT

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 7. AMENDED NOTICE

Executive Session may follow.

Public Hearing to be held on: HB 649, HB 650, HCR 20, HCR 24, HCR 25

RULES

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 5. AMENDED NOTICE

Executive Session may follow.

Public Hearing to be held on: HCR 23, HR 495, HR 1086, SCR 10, SCR 11

HOUSE CALENDAR

SIXTY-THIRD DAY, THURSDAY, MAY 1, 2003

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 132, 173, 117 & 48 - Wright
- 2 HCS HB 215, 218, 115 & 83 - Myers
- 3 HCS HB 190 & 214 - Fares
- 4 HCS HB 51 - Mayer
- 5 HCS HB 387 - Pearce
- 6 HCS HB 109 & 34 - Fares
- 7 HB 263 - Cooper (120)
- 8 HCS HB 468 - Byrd
- 9 HCS HB 233 - Holand
- 10 HB 471 - Jackson

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- 11 HCS HB 47 - Portwood
- 12 HCS HB 507 - Hubbard
- 13 HB 293, HCA 1 - Johnson (47)
- 14 HCS HB 345 - Cunningham (86)
- 15 HCS HB 385 - Cunningham (86)
- 16 HCS HB 447 - Townley
- 17 HCS HB 640 - Walton
- 18 HB 618 - Yates

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 655 - Wilson (130)
- 2 HCS HB 702 - Schlottach

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

- 1 HCS HB 16 - Bearden
- 2 HCS HB 17 - Bearden
- 3 HCS HB 18 - Bearden
- 4 HCS HB 19 - Bearden
- 5 HCS HB 20 - Bearden

HOUSE BILLS FOR THIRD READING

- 1 HS HCS HB 404, 324, 403, 344, 426 & 541 - Rector
- 2 HS HCS HB 455, (Budget 4-30-03) - Thompson

SENATE BILL FOR THIRD READING - CONSENT

SB 214, HCA 1 - Byrd

SENATE BILLS FOR THIRD READING

- 1 SB 496 - Luetkemeyer
- 2 HCS SB 173 - Walton
- 3 SS#2 SCS SB 55 - Stevenson
- 4 HCS SS SCS SB 36, as amended (Budget 4-30-03) - Myers
- 5 SS SB 34 - Pratt
- 6 HCS SS SCS SB 30 - Schneider
- 7 HCS SCS SB 84 - Munzlinger
- 8 HCS SCS SB 686, E.C. - Cunningham (86)
- 9 SCS#2 SB 1 - Luetkemeyer
- 10 SB 540 - Parker
- 11 HCS SB 521 - Byrd
- 12 HCS SCS SB 69 - Baker
- 13 SS SB 13 - Byrd

- 14 HCS SCS SB 246 - Rector
- 15 HCS SB 469 - Byrd

SENATE BILL FOR THIRD READING - CONSENT - INFORMAL

SCS SB 237 - Luetkemeyer

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HS HB 1 - Bearden
- 2 SCS HS HB 2, as amended - Bearden
- 3 SCS HS HB 3, as amended - Bearden
- 4 SCS HS HB 4, as amended - Bearden
- 5 SCS HS HB 5, as amended - Bearden
- 6 SCS HS HB 6, as amended - Bearden
- 7 SCS HS HB 7 - Bearden
- 8 SCS HS HB 8, as amended - Bearden
- 9 SCS HS HB 9, as amended - Bearden
- 10 SCS HS HB 10, as amended - Bearden
- 11 SCS HS HB 11, as amended - Bearden
- 12 SCS HS HB 12, as amended - Bearden
- 13 SCS HCS HB 13 - Bearden
- 14 HB 261, SA 1 - Whorton
- 15 SCS HCS HB 371 - Dusenberg
- 16 SCS HCS HB 392, as amended - Avery
- 17 HCS HB 394, SCA 1 - Byrd
- 18 SCS HB 491 - Rupp
- 19 SCS HB 512 - Cooper (120)
- 20 SCS HB 521 - Dethrow
- 21 SCS HB 552 - Kingery
- 22 SCS HCS HB 575 - Dethrow
- 23 SS SCS HCS HB 390 - Behnen

BILLS CARRYING REQUEST MESSAGES

- 1 SCS HCS HB 427, (request Senate recede/grant conference) - Byrd
- 2 HCS SCS SB 379, (request House recede/grant conference) - Wright

BILLS IN CONFERENCE

- 1 HS SCS SB 299 & 40, as amended - Bearden
- 2 HCS SB 401 - Pratt
- 3 HCS SB 407 - Luetkemeyer
- 4 HCS SB 552 - Byrd
- 5 HCS SB 448 - Goodman
- 6 HCS SB 394, as amended - Byrd

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7 HCS SCS#2 SB 52 - Fares

HOUSE CONCURRENT RESOLUTIONS

1 HCR 3, (4-23-03, Page 1238) - Townley

2 HCR 5, (4-23-03, Page 1239) - Townley