JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

SIXTY-FIRST DAY, MONDAY, MAY 3, 2004

The House met pursuant to adjournment.

Representative Nieves in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, this question is asked in Your Word, "Why do the nations rage? Why do the people waste their time with futile plans?" May this not be true with us. May our plans be devised wisely and bear fruit rather than be hastily devised and ineffective.

Guide us through the remaining days of this Session into careful planning that we might have sufficiency in the coming years. Continue to direct us from the stagnant pool of past ideas to the watercourse of inspired thought.

May our work today be concise and productive: a joy to behold.

And now may Your grace rest and abide with us all....

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Journal of the sixtieth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2405	-	Representative Burnett
House Resolution No. 2406	-	Representative Nieves
House Resolution No. 2407	-	Representative Sander
House Resolution No. 2408 through House Resolution No. 2414	-	Representative Willoughby
House Resolution No. 2415	-	Representative Lager
House Resolution No. 2416 and House Resolution No. 2417	-	Representative Townley
House Resolution No. 2418	-	Representative Ruestman
House Resolution No. 2419 through House Resolution No. 2432	-	Representative Stefanick

House Resolution No. 2433
and
House Resolution No. 2434 - Representative Deeken
House Resolution No. 2435
and
House Resolution No. 2436 - Representative Crawford
House Resolution No. 2437
through
House Resolution No. 2451 - Representative Bough
House Resolution No. 2452 - Representative Stevenson
House Resolution No. 2453 - Representative Rector
House Resolution No. 2454
through
House Resolution No. 2456 - Representative Carnahan
House Resolution No. 2457
and
House Resolution No. 2458 - Representative Fraser
House Resolution No. 2459
and
House Resolution No. 2460 - Representatives Lowe and Black
House Resolution No. 2461 - Representative Jones
House Resolution No. 2462 - Representative Baker
House Resolution No. 2463 - Representative Haywood
House Resolution No. 2464 - Representative LeVota
House Resolution No. 2465 - Representative Behnen
House Resolution No. 2466 - Representative Stevenson
House Resolution No. 2467 - Representative Graham
House Resolution No. 2468 - Representative Pratt
House Resolution No. 2469 - Representatives Lowe and Black
House Resolution No. 2470 - Representative Harris (110)
House Resolution No. 2471 - Representative Wallace
House Resolution No. 2472 - Representative Purgason
House Resolution No. 2473 - Representative Nieves
House Resolution No. 2474 - Representatives Ruestman and Wood
House Resolution No. 2475 - Representative Roark
House Resolution No. 2476 - Representative Hunter
House Resolution No. 2477 - Representative Boykins
House Resolution No. 2478 - Representative Sager
House Resolution No. 2479 - Representative Parker
House Resolution No. 2480 - Representative Riback Wilson (25)
House Resolution No. 2481 - Representatives Lowe and Black
House Resolution No. 2482 - Representative St. Onge
House Resolution No. 2483 - Representative Pratt
House Resolution No. 2484 - Representative Cunningham (86)
House Resolution No. 2485 - Representative Johnson (61)

House Resolution No. 2486 - Representative Wilson (42)
House Resolution No. 2487 - Representative Hanaway
House Resolution No. 2488 - Representative Bearden
House Resolution No. 2489 - Representative Townley
House Resolution No. 2490 - Representatives Stefanick and Sutherland
House Resolution No. 2491 - Representative Ward
House Resolution No. 2492 - Representative El-Amin
House Resolution No. 2493 - Representative Davis (122)
House Resolution No. 2494 - Representative Jetton
House Resolution No. 2495 - Representative Donnelly
House Resolution No. 2496 - Representative Wilson (119)
House Resolution No. 2497 - Representative Bough
House Resolution No. 2498 - Representative Threlkeld
House Resolution No. 2499 - Representative Sutherland
House Resolution No. 2500 - Representative Villa
House Resolution No. 2501 - Representative Wilson (119)
House Resolution No. 2502 - Representative Hanaway
House Resolution No. 2503 - Representative Bearden
House Resolution No. 2504 - Representative Henke
House Resolution No. 2505 through
House Resolution No. 2510 - Representative Black
House Resolution No. 2511 - Representative Schneider

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 40 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1761 through **HB 1769** were read the second time.

SECOND READING OF SENATE BILLS

SCS SB 1096, **SB 1153** and **SCS SB 1196** were read the second time.

MOTION

Representative Crowell moved that Rule 23 be suspended in order for members of the House Conference Committees on **SCS HS HCS HB 1006**, **SCS HS HCS HB 1008** and **SCS HS HCS HB 1011, as amended**, to meet May 3, 2004, while the House is in session.

Which motion was adopted by the following vote:

AYES: 126

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bough	Boykins	Brown	Bruns	Byrd
Campbell	Cooper 120	Cooper 155	Corcoran	Crowell
Cunningham 145	Cunningham 86	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Engler	Ervin	Fares	Fraser
Goodman	Green	Guest	Hobbs	Holand
Hoskins	Hunter	Icet	Jackson	Jetton
Johnson 47	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meiners	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Ward	Wasson	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Wood	Wright	Yates	Young	Zweifel
Madam Speaker				

NOES: 024

Bringer	Burnett	Curls	Darrough	Daus
Donnelly	George	Harris 110	Harris 23	Haywood
Henke	Johnson 61	Johnson 90	LeVota	Meadows
Muckler	Selby	Shoemyer	Skaggs	Spreng
Swinger	Walker	Witte	Yaeger	

PRESENT: 001

Whorton

ABSENT WITH LEAVE: 012

Avery	Bivins	Brooks	Carnahan	Crawford
El-Amin	Graham	Hampton	Hilgemann	Hubbard
Schoemehl	Seigfreid			

THIRD READING OF SENATE BILL

SB 932, relating to employment, was taken up by Representative Wilson (130).

Representative Wilson (130) offered **HS SB 932**.

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

House Amendment No. 1

AMEND House Substitute for Senate Bill No. 932, Page 55, Section 287.957, Line 25 of said page, by inserting after all of said line the following:

"288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer; except that the claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

(b) If the claimant quit temporary work to return to such claimant's regular employer; or

(c) If the deputy finds the individual quit work, which would have been determined not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within twenty-eight calendar days of the first day worked; or

(d) As to initial claims filed after December 31, 1988, if the claimant presents evidence supported by competent medical proof that she was forced to leave her work because of pregnancy, notified her employer of such necessity as soon as practical under the circumstances, and returned to that employer and offered her services to that employer as soon as she was physically able to return to work, as certified by a licensed and practicing physician, but in no event later than ninety days after the termination of the pregnancy. An employee shall have been employed for at least one year with the same employer before she may be provided benefits pursuant to the provisions of this paragraph;

(2) That the claimant has retired pursuant to the terms of a labor agreement between the claimant's employer and a union duly elected by the employees as their official representative or in accordance with an established policy of the claimant's employer; or

(3) That the claimant failed without good cause either to apply for available suitable work when so directed by the deputy, or to accept suitable work when offered the claimant, either through the division or directly by an employer by whom the individual was formerly employed, or to return to the individual's customary self-employment, if any, when so directed by the deputy.

(a) In determining whether or not any work is suitable for an individual, the division shall consider, among other factors and in addition to those enumerated in paragraph (b) of this subdivision, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the individual's length of unemployment, the individual's prospects for securing work in the individual's customary occupation, the distance of available work from the individual's residence and the individual's prospect of obtaining local work; except that, if an individual has moved from the locality in which the individual actually resided when such individual was last employed to a place where there is less probability of the individual's employment at such individual's usual type of work and which is more distant from or otherwise less accessible to the community in which the individual was last employed, work offered by the individual's most recent employer if similar to that which such individual performed in such individual's last employment and at wages, hours, and working conditions which are substantially similar to those prevailing for similar work in such community, or any work which the individual is capable of performing at the wages prevailing for such work in the locality to which the individual has moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable for the individual;

(b) Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied pursuant to this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

b. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

2. **[**Notwithstanding the other provisions of this law,**]** If a deputy finds that a claimant has been discharged for misconduct connected with the claimant's work, such claimant**[**, depending upon the seriousness of the misconduct as determined by the deputy according to the circumstances in each case,**]** shall be disqualified for waiting week credit or benefits **[**for not less than four nor more than sixteen weeks for which the claimant claims benefits and is otherwise eligible**], and no benefits shall be paid nor shall the cost of any benefits be charged against any employer for any**

period of employment within the base period until the claimant has earned wages for work insured under the unemployment laws of this state or any other state as prescribed in this section. In addition to the disqualification for benefits pursuant to this provision the division may in the more aggravated cases of misconduct, cancel all or any part of the individual's wage credits, which were established through the individual's employment by the employer who discharged such individual, according to the seriousness of the misconduct. A disqualification provided for pursuant to this subsection shall not apply to any week which occurs after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state in an amount equal to eight times the claimant's weekly benefit amount. **Should a claimant be disqualified on a second or subsequent occasion within the base period or subsequent to the base period the claimant shall be required to earn wages in an amount equal to or in excess of eight times the claimant's weekly benefit amount for each disqualification, such additionally required wages shall run consecutively.**

3. **[**A pattern of**]** Absenteeism or tardiness may constitute misconduct regardless of whether the last incident alone **[**which results**]** **resulting** in the discharge constitutes misconduct.

4. Notwithstanding the provisions of subsection 1 of this section, a claimant may not be determined to be disqualified for benefits because the claimant is in training approved pursuant to section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or because the claimant left work which was not "suitable employment" to enter such training. For the purposes of this subsection "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than eighty percent of the worker's average weekly wage as determined for the purposes of the Trade Act of 1974."; and

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

Representative Wilson (130) offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

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

AMEND House Substitute for Senate Bill No. 932, Page 55, Section 287.957, Line 25 of said page, by inserting after all of said line the following:

"288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer; except that the claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

(b) If the claimant quit temporary work to return to such claimant's regular employer; or

(c) If the deputy finds the individual quit work, which would have been determined not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within twenty-eight calendar days of the first day worked; or

(d) As to initial claims filed after December 31, 1988, if the claimant presents evidence supported by competent medical proof that she was forced to leave her work because of pregnancy, notified her employer of such necessity as soon as practical under the circumstances, and returned to that employer and offered her services to that employer as soon as she was physically able to return to work, as certified by a licensed and practicing physician, but in no event later than ninety days after the termination of the pregnancy. An employee shall have been employed for at least one year with the same employer before she may be provided benefits pursuant to the provisions of this paragraph;

(2) That the claimant has retired pursuant to the terms of a labor agreement between the claimant's employer and a union duly elected by the employees as their official representative or in accordance with an established policy of the claimant's employer; or

(3) That the claimant failed without good cause either to apply for available suitable work when so directed by the deputy, or to accept suitable work when offered the claimant, either through the division or directly by an employer by whom the individual was formerly employed, or to return to the individual's customary self-employment, if any, when so directed by the deputy.

(a) In determining whether or not any work is suitable for an individual, the division shall consider, among other factors and in addition to those enumerated in paragraph (b) of this subdivision, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the individual's length of unemployment, the individual's prospects for securing work in the individual's customary occupation, the distance of available work from the individual's residence and the individual's prospect of obtaining local work; except that, if an individual has moved from the locality in which the individual actually resided when such individual was last employed to a place where there is less probability of the individual's employment at such individual's usual type of work and which is more distant from or otherwise less accessible to the community in which the individual was last employed, work offered by the individual's most recent employer if similar to that which such individual performed in such individual's last employment and at wages, hours, and working conditions which are substantially similar to those prevailing for similar work in such community, or any work which the individual is capable of performing at the wages prevailing for such work in the locality to which the individual has moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable for the individual;

(b) Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied pursuant to this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

b. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

2. **[**Notwithstanding the other provisions of this law,**]** If a deputy finds that a claimant has been discharged for misconduct connected with the claimant's work, such claimant**[**, depending upon the seriousness of the misconduct as determined by the deputy according to the circumstances in each case,**]** shall be disqualified for waiting week credit or benefits **[**for not less than four nor more than sixteen weeks for which the claimant claims benefits and is otherwise eligible**], and no benefits shall be paid nor shall the cost of any benefits be charged against any employer for any period of employment within the base period until the claimant has earned wages for work insured under the unemployment laws of this state or any other state as prescribed in this section**. In addition to the disqualification for benefits pursuant to this provision the division may in the more aggravated cases of misconduct, cancel all or any part of the individual's wage credits, which were established through the individual's employment by the employer who discharged such individual, according to the seriousness of the misconduct. A disqualification provided for pursuant to this subsection shall not apply to any week which occurs after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state in an amount equal to eight times the claimant's weekly benefit amount. **Should a claimant be disqualified on a second or subsequent occasion within the base period or subsequent to the base period the claimant shall be required to earn wages in an amount equal to or in excess of eight times the claimant's weekly benefit amount for each disqualification, such additionally required wages shall run consecutively. For the purpose of this chapter, a professionally administered and documented positive chemical test result for a controlled substance as defined under section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood shall be deemed misconduct connected with work.**

3. **[**A pattern of**]** Absenteeism or tardiness may constitute misconduct regardless of whether the last incident alone **[**which results**] resulting** in the discharge constitutes misconduct.

4. Notwithstanding the provisions of subsection 1 of this section, a claimant may not be determined to be disqualified for benefits because the claimant is in training approved pursuant to section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or because the claimant left work which was not "suitable employment" to enter such training. For the purposes of this subsection "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than eighty percent of the worker's average weekly wage as determined for the purposes of the Trade Act of 1974."; and

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

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

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

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute for Senate Bill No. 932, Page 6, Section 288.050, Line 8 of said page, by inserting after the word "**work.**" the following:

"**The employer shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by a statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment. Use of a controlled substance as defined under section 195.010, RSMo, under, and in conformity with the lawful order of a healthcare practitioner shall not be deemed to be misconduct connected with work for the purposes of this section.**"; and

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

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

On motion of Representative Wilson (130), **House Substitute Amendment No. 1 for House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 094

Angst	Baker	Bean	Bearden	Behnen
Bishop	Black	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Donnelly	Dusenberg	Emery
Engler	Ervin	Fares	Goodman	Guest
Hampton	Harris 110	Hobbs	Holand	Hunter
Icet	Jackson	Jetton	Johnson 47	Kelly 144
Kelly 36	King	Kingery	Lager	Lembke
Lipke	Marsh	May	Mayer	Miller
Moore	Morris	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Purgason	Quinn	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sander	Schaaf
Schlottach	Schneider	Self	Shoemaker	Smith 118
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Villa
Wallace	Wasson	Willoughby	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 058

Abel	Barnitz	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Corcoran	Curls

Darrough	Daus	Davis 122	Dougherty	Fraser
George	Graham	Green	Harris 23	Haywood
Henke	Hilgemann	Hoskins	Jolly	Jones
Kratky	Kuessner	Lawson	LeVota	Liese
Lowe	McKenna	Meadows	Meiners	Muckler
Sager	Salva	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Swinger	Thompson	Vogt
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

PRESENT: 001

Ransdall

ABSENT WITH LEAVE: 010

Avery	Bivins	Carnahan	El-Amin	Hubbard
Johnson 61	Johnson 90	Luetkemeyer	Pratt	Schoemehl

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

House Amendment No. 2

AMEND House Substitute for Senate Bill No. 932, Page 20, Section 287.128, Line 11 of said page, by inserting after all of said line the following:

"**(11) Knowingly organize, plan, or in any way participate in staged workplace accidents. Any person who violates the provisions of this subsection shall be guilty of a class D felony.**"; and

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

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

AYES: 117

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bough
Bringer	Brown	Bruns	Byrd	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Donnelly
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Henke	Hobbs
Holand	Hunter	Icet	Jackson	Jetton
Johnson 47	Kelly 144	Kelly 36	King	Kingery
Kuessner	Lager	Lawson	Lembke	LeVota
Lipke	Luetkemeyer	Marsh	May	Mayer
Meiners	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Ransdall	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Salva	Sander	Schaaf
Schlottach	Schneider	Seigfreid	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	St. Onge

Stefanick	Stevenson	Sutherland	Swinger	Taylor
Threlkeld	Townley	Viebrock	Wagner	Wallace
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Witte	Wood	Wright
Yates	Madam Speaker			

NOES: 039

Bland	Boykins	Brooks	Burnett	Campbell
Corcoran	Curls	Darrough	Daus	Fraser
George	Haywood	Hilgemann	Hoskins	Hubbard
Johnson 61	Johnson 90	Jolly	Jones	Kratky
Liese	Lowe	McKenna	Meadows	Muckler
Sager	Selby	Spreng	Thompson	Villa
Vogt	Walker	Walsh	Walton	Wilson 25
Wilson 42	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Bivins	Carnahan	Cunningham 86	Dixon
El-Amin	Schoemehl			

Representative Cooper (155) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Substitute for Senate Bill No. 932, Page 9, Section 287.020, Line 7 of said page, by inserting after all of said line the following:

"**17. "Objective relevant medical findings" in support of medical evidence are verifiable indications of injury or disease that may include, but are not limited to, limitation of range of motion, atrophy, muscle strength, and palpable muscle spasm. Objective relevant medical findings do not include physical findings or subjective responses to physical examinations that are not reproducible, measurable, or observable by diagnostic testing or examination. Objective relevant medical findings are those findings which cannot solely come under the voluntary control of the patient. Medical opinions addressing compensability and permanent impairment must be stated within a reasonable degree of medical certainty.**"; and renumber remaining subsections accordingly; and

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

Speaker Hanaway assumed the Chair.

SB 932, with House Amendment No. 3, and HS, as amended, pending, was laid over.

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 SCS HCS HB 795, 972, 1128 & 1161**, entitled:

An act to repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 67.402, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1706, 67.1754, 137.100, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 221.070, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof fifty-two new sections

relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, Senate Substitute Amendment No. 2 for Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 23, Senate Amendment No. 1 to Senate Amendment No. 25, Senate Amendment No. 25, as amended, Senate Amendment No. 26, Senate Amendment No. 27, Senate Amendment No. 28, Senate Amendment No. 30 and Senate Amendment No. 31.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos 795, 972, 1128 & 1161, Page 115, Section 304.010, Line 21 of said page, by inserting after "speed." the following:

"**The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be fifty miles per hour.**".

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 25, Section 67.799, Line 16, by inserting after the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, **any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants,** any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election."; and

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

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 70, Section 67.2535, Line 16 of said page, by inserting after all of said line the following:

"**70.225. 1. Notwithstanding the provisions of section 70.600, to the contrary, a centralized emergency dispatching system created by a joint municipal agreement pursuant to section 70.220, existing within a county of a the first classification with a charter form of government with more than one million inhabitants, may be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of the centralized emergency dispatching system shall be eligible for membership in the Missouri local government employees' retirement system upon the centralized emergency dispatching system becoming an employer as defined in subdivision (11) of section 70.600.**

2. Any political subdivision participating in a centralized emergency dispatching system granted membership pursuant to subsection 1 of this section, shall be subject to the delinquent recovery procedures pursuant to section 70.735, for any contribution payments due the system. Any political subdivision withdrawing from membership shall be subject to payments for any unfunded liabilities existing for its past and current employees. Any political subdivision becoming a new member shall be subject to the same terms and conditions then existing including liabilities in proportion to all participating political subdivisions."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 25, Section 67.799, Line 16 of said page, by inserting immediately after said line the following:

"67.1360. The governing body of:

(1) A city with a population of more than seven thousand and less than seven thousand five hundred;

(2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;

(3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;

(4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;

(5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;

(7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;

(8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;

(9) Any county of the second classification without a township form of government and a population of less than thirty thousand;

(10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;

(11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;

(13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;

(14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;

(15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;

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

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

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

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

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

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

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

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

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

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

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants; may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

"82.291. 1. For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to section 4(b), article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the

removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, **[**2004**]** **2008**."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 3, Section 49.650, Lines 15-16 of said page, by striking the following:

"and the health of the general public".

Senate Substitute Amendment No. 2
for
Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

"**5. No county commission may enact an ordinance with regard to agriculture operations. Any zoning adopted by any county prior to the August 28, 2004 shall be exempt from the provisions of this subsection.**".

Senate Amendment No. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 126, Section 1, Line 23, by inserting after all of said line the following:

"**Section 2. The Board of Fund Commissioners shall determine whether any governmental entity has sufficient fund balances to redeem leasehold revenue bonds obligated pursuant to a federal court desegregation action. If the board of fund commissioners determines that any governmental entity has sufficient fund balances to redeem or otherwise pay off such leasehold revenue bonds, the state board of education shall certify, pursuant to 160.415.2(5) that no amount is needed by such governmental entity to repay such bonds.**"; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 117, Section 304.010, Line 21 of said page, by inserting immediately after said line the following:

"393.760. 1. The commission shall, in accordance with the provisions of chapter 115, RSMo, order an election to be held whereby the qualified electors in each contracting municipality participating in the project shall approve or disapprove the issuance of the bonds as provided for in the resolution of the commission. The commission may not order such an election until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings.

2. The commission shall notify the election authority or authorities responsible for conducting elections within each contracting municipality participating in the project in accordance with chapter 115, RSMo.

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

OFFICIAL BALLOT

Should a resolution to approve the issuance of revenue bonds by the joint municipal (water) (sewer) (power) (gas) commission in an amount not to exceed $..... for the purpose of ..... be approved?

☐ Yes ☐ No

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

4. If the resolution to issue the bonds is approved by at least a majority of the qualified electors voting thereon in each of the contracting municipalities participating in the project, the commission shall declare the result of the election and cause the bonds to be issued.

5. The municipalities participating in the project shall bear all expenses associated with the elections in such contracting municipalities.

6. In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 105, Section 221.070, Line 9 of said page, by inserting immediately after said line the following:

"229.340. **1**. Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay a fee in an amount determined by the county commission by order of record, **[**not to exceed the sum of three dollars for each such application,**]** which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

2. The special use permit fees imposed by the county shall be calculated and administered using the criteria outlined in sections 67.1840 and 67.1842, RSMo, for the imposition of right-of-way permit fees. The special use permit fee shall not be imposed on a public utility right-of-way user for uses governed by the provisions of sections 67.1830 to 67.1846, RSMo."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 105, Section 245.015, Line 10, by inserting after "245.015." the following:

"**1.**"; and

Further amend Page 107, said section, Line 2, by inserting after all of said line, the following:

"**2. The modifications to this section, as enacted by the ninety-second general assembly, second regular session, shall not be construed to enhance or limit the current law, and any interpretation thereof, with regard to where a levee district may or may not be formed within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants nor any city, town, village or other political subdivision contained therein.**".

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 117, Section 304.010, Line 21 of said page, by inserting immediately after said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any **[**sewer**] water** corporation, municipality **providing water,** or **[**sewer**] any water** district established under the provisions of chapter **[**249 or 250**] 247**, RSMo, **[**or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer**] shall, upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider**.

2. **[**A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.**] Any water provider, or independent contractor acting for such water provider, disconnecting water service to collect a delinquent sewer charge at the request of a sewer provider pursuant to a water termination agreement made pursuant to this section shall be immune from civil liability for damages or costs resulting from disconnection.**

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by such commissioners or entered into under the provisions established in this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide the number of delinquent days required before water service may be discontinued for failure to pay incurred sewer charges. Such period of time shall be equal to the number of delinquent days required before water service is discontinued for failure to pay incurred water charges as set by the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the incurred charges or rental due unless the sewer provider shall first provide written notice to the water

provider requesting discontinuation of service. The notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of the delinquent amount is received by the water provider, water service shall be restored to the user;

(3) All reasonable expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider;

(4) The sewer provider shall hold the water provider, or any independent contractor who performs or carries out such agreement under contract with the water provider, harmless as a result of the agreement between the sewer provider and water provider or as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor arising in any way from such agreement;

(5) The expense and cost of the water provider shall be recalculated annually, providing for annual increases or decreases in the National Consumers Price Index for All Urban Consumers (CPI-U), unadjusted for seasonal variation, as published by the United States Department of Labor. The amount due the water provider during the subsequent year shall be increased or decreased according to any change occurring in such costs and expenses;

(6) When a water provider is collecting delinquent amounts for both water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided equally between the water provider and the sewer provider.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. Such two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all such evidence and information submitted to them and prepare such agreement as provided herein. Said agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as herein provided.

7. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective sixty days after the date of such judgment. If such agreement does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.

393.016. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the

water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 3, Section 49.650, Line 17 of said page, by inserting after at the end of said line the following:

"**Nothing in this paragraph shall be construed to allow a noncharter county to adopt an ordinance or resolution regulating the sale or display at any retail outlet of any drug having an active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.**".

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 15, Section 64.805, by striking all of said section and by inserting in lieu thereof the following:

"64.825. The county planning commission may also prepare, with the approval of the county commission, as parts of the official master plan or otherwise, sets of regulations governing subdivisions of land in unincorporated areas, and amend or change same from time to time as herein provided, which regulations may provide for the proper location and width of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may also include the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility services shall be provided, to protect public health and general welfare. Such regulations may provide that in lieu of the immediate completion or installation of the work, the county planning commission may accept bond for the county commission in the amount and with surety **or other form of security** and conditions satisfactory to the county commission, providing for and securing to the county commission the actual construction of the improvements and utilities within a period specified by the county planning commission, and the county commission shall have power to enforce the bond **or other form of security** by all proper remedies. The subdivision regulations shall be adopted, changed or amended, certified and filed as provided in section 64.815. The subdivision regulations shall be adopted, changed or amended only after a public hearing has been held thereon, public notice of which shall be given in the manner as provided for the hearing in section 64.815."; and

Further amend said bill, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements **[**and**] for** the posting of bonds **[**regarding**], letters of credit or** escrows for subdivision-related **[**regulations**] improvements** as provided for in subsections 2 to **[**4**] 5** of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council **[**may**] shall** accept **[**a**], at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety** bond **[**or escrow**], and such bond shall be** in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond**[**; provided that,**]**. The release of **any** such escrow**, letter of credit, or bond** by the city, town or village shall be as specified in this section. The council may enforce the **escrow or** bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.**

4. The regulations shall provide that any escrow **or bond** amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. **The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection.** Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds **or bond amount** are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds **or bond amount** are hand delivered to an authorized person or place as specified by the owner or developer.

[4.**] 5.** If the city, town or village has not released the escrow funds **or bond amount** within thirty days as provided in this section **or provided a timely inspection of the improvements or utility work after request for such inspection**, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds **or bond amount** have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

[5.**] 6.** Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages.

[6.**] 7.** Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.

9. Notwithstanding the provisions of section 290.210, RSMo, to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340, RSMo, unless they are paid for wholly or in part out of public funds."; and

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

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 117, Section 304.010, Line 21, by adding all of the following:

"389.610. 1. No public road, highway or street shall be constructed across the track of any railroad corporation, nor shall the track of any railroad corporation be constructed across a public road, highway or street, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade nor shall the track of a street railroad corporation be constructed across the tracks of a railroad corporation at grade, without having first secured the permission of the **state** highways and transportation commission, except that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

2. Every railroad corporation shall construct and maintain good and sufficient crossings and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or hereafter to be opened.

3. The **state** highways and transportation commission shall make and enforce reasonable rules and regulations pertaining to the construction and maintenance of all public grade crossings. These rules and regulations shall establish minimum standards for:

(1) The materials to be used in the crossing surface;

(2) The length and width of the crossing;

(3) The approach grades;

(4) The party or parties responsible for maintenance of the approaches and the crossing surfaces.

4. The **state** highways and transportation commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, apportionment of expenses, use and warning devices of each crossing of a public road, street or highway by a railroad or street railroad, and of one railroad or street railroad by another railroad or street railroad. In order to facilitate such determinations, the **state** highways and transportation commission may adopt pertinent provisions of The Manual on Uniform Traffic Control Devices for Streets and Highways or other national standards.

5. The **state** highways and transportation commission shall have the exclusive power to alter or abolish any crossing, at grade or otherwise, of a railroad or street railroad by a public road, highway or street whenever the **state** highways and transportation commission finds that public necessity will not be adversely affected and public safety will be promoted by so altering or abolishing such crossing, and to require, where, in its judgment it would be practicable, a separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms upon which such separation shall be made. **When a road authority lawfully closes or vacates a roadway which provided access to a railroad crossing, the state highways and transportation commission shall issue an order authorizing removal of the crossing by the railroad within thirty days of being notified of such action by the roadway authority or railroad.**

6. The **state** highways and transportation commission shall have the exclusive power to prescribe the proportion in which the expense of the construction, installation, alteration or abolition of such crossings, the separation of grades, and the continued maintenance thereof, shall be divided between the railroad, street railroad, and the state, county, municipality or other public authority in interest.

7. Any agreement entered into after October 13, 1963, between a railroad or street railroad and the state, county, municipality or other public authority in interest, as to the apportionment of any cost mentioned in this section shall be final and binding upon the filing with the **state** highways and transportation commission of an executed copy of such agreement. If such parties are unable to agree upon the apportionment of the cost, the **state** highways and transportation

commission shall apportion the cost among the parties according to the benefits accruing to each. In determining such benefits, the **state** highways and transportation commission shall consider all relevant factors including volume, speed and type of vehicular traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad or street railroad resulting from the elimination of delays and the reduction of hazard at the crossing.

8. Upon application of any person, firm or corporation, the **state** highways and transportation commission shall determine if an existing private crossing has become or a proposed private crossing will become utilized by the public to the extent that it is necessary to protect or promote the public safety. The **state** highways and transportation commission shall consider all relevant factors including but not limited to volume, speed, and type of vehicular traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to protect and promote the public safety, the **state** highways and transportation commission shall prescribe the nature and type of crossing protection or warning device for such crossing, the cost of which shall be apportioned by the **state** highways and transportation commission among the parties according to the benefits accruing to each. In the event such crossing protection or warning device as prescribed by the **state** highways and transportation commission is not installed, maintained or operated, the crossing shall be closed to the public.

9. The exclusive power of the **state** highways and transportation commission pursuant to this section shall be subject to review, determination, and prescription by the administrative hearing commission, upon application to **[**that**]** **the administrative hearing** commission by any interested party **in accordance with section 621.040, RSMo**. Upon filing of an application pursuant to this subsection, the administrative hearing commission is vested with the exclusive power of the highways and transportation commission otherwise provided in this section, with reference to matters reviewed, determined or prescribed by the administrative hearing commission."; and

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

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 75, Section 137.100, Line 26, by inserting after all of said line the following:

"137.298. **1.** Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid.

2. Any city or city not within a county may enter into a contract or cooperative agreement with the county governing body and county collector of any county with a charter form of government or any county of the first classification to include as a charge on bills issued for personal property taxes any outstanding vehicle-related fees and fines, including traffic violations, assessed or issued on any vehicle for which personal property tax is to be paid. For the purpose of this section, vehicle-related fees and fines shall include, but not be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with adjudication or collection of those fines. No personal property tax bill shall be considered paid unless all charges for parking violations and other vehicle-related fees and fines are also paid in full, and the county collector shall not issue a paid personal property tax receipt until all such charges are paid. Any contract or cooperative agreement shall be in writing, signed by the city, county governing body, and county collector, and shall set forth the provisions and terms agreed to by the parties."; and

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

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 117, Section 304.010, Line 21 of said page, by inserting after all of said line the following:

"**321.554. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three**

thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, when the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section 321.552, the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection district in reliance upon the information then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

(1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and

(2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and

(3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.

321.556. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, the governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall ..... (insert name of ambulance or fire protection district) repeal the ..... (insert amount up to one-half) of one percent sales tax now in effect in the.....(insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

☐ Yes ☐ No

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

2. If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 20, Section 67.402, Line 13, by adding all of the following:

"**4. The provisions of this section shall not apply to lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources, or the department of conservation.**".

Senate Amendment No. 20

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 2, Section A, Line 5 of said page, by inserting after all of said line the following:

"49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, **[**1997**]** **2004**.

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**19,140**]** **24,116**
41,000,000 to 53,999,999	**[**19,800**]** **24,948**
54,000,000 to 65,999,999	**[**21,120**]** **26,611**
66,000,000 to 85,999,999	**[**22,440**]** **28,274**
86,000,000 to 99,999,999	**[**23,760**]** **29,938**
100,000,000 to 130,999,999	**[**25,080**]** **31,601**
131,000,000 to 159,999,999	**[**26,400**]** **33,264**
160,000,000 to 189,999,999	**[**27,060**]** **34,096**
190,000,000 to 249,999,999	**[**27,390**]** **34,511**
250,000,000 to 299,999,999	**[**28,380**]** **35,759**
300,000,000 **[**or more**]** **to 310,999,999**	**[**29,700**]** **37,422**
311,000,000 to 330,999,999	**38,412**
331,000,000 to 359,999,999	**39,402**
360,000,000 to 389,999,999	**40,392**
390,000,000 to 449,999,999	**41,382**
450,000,000 to 499,999,999	**42,372**
500,000,000 to 549,999,999	**43,362**
550,000,000 or more	**44,352**

2. In addition to any compensation provided pursuant to subsection 1 of this section, the presiding commissioner of any county not having a charter form of government shall receive two thousand dollars annual salary.

3. Two thousand dollars of the salary authorized in this section shall be payable to a commissioner only if the commissioner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the commissioner's office when approved by a professional association of the county commissioners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each commissioner who completes the training program and shall send a list of certified commissioners to the treasurer of each county. Expenses incurred for attending the training session **[**may**]** **shall** be reimbursed to a county commissioner in the same manner as other expenses as may be appropriated for that purpose.

4. A county commissioner in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon a two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county commissioner or presiding commissioner respectively for the particular county for services rendered or performed on the date the salary commission votes."; and

Further amend said bill, Page 6, Section 50.515, Line 7 of said page, by inserting after all of said line the following:

"50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis**, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo,** as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, **[**1997**]** **2004**.

Assessed Valuation	Salary
$ 8,000,000 to 40,999,999	$**[**29,000**]** **36,540**
41,000,000 to 53,999,999	**[**30,000**]** **37,800**
54,000,000 to 65,999,999	**[**32,000**]** **40,320**
66,000,000 to 85,999,999	**[**34,000**]** **42,840**
86,000,000 to 99,999,999	**[**36,000**]** **45,360**
100,000,000 to 130,999,999	**[**38,000**]** **47,880**
131,000,000 to 159,999,999	**[**40,000**]** **50,400**
160,000,000 to 189,999,999	**[**41,000**]** **51,660**
190,000,000 to 249,999,999	**[**41,500**]** **52,290**
250,000,000 to 299,999,999	**[**43,000**]** **54,180**
300,000,000 **[**or more**]** **to 310,999,999**	**[**45,000**]** **56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis**, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo,** as set forth in the following schedule except as provided in **[**subsection 2**]** **subsections 2 and 3** of this section. The assessed valuation factor shall be the amount

thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, **[**1997**]** **2004**, for any of the offices subject to this section on January 1, **[**1997**]** **2004**.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation	Salary
[$ 450,000,001 to 600,000,000	$47,000
600,000,001 to 750,000,000	49,000
750,000,001 to 900,000,000	51,000
900,000,001 to 1,050,000,000	53,000
1,050,000,001 to 1,200,000,000	55,000
1,200,000,001 to 1,350,000,000	57,000
1,350,000,000 and over 59,000**]**	
$ 450,000,000 to 499,999,999	**$64,200**
500,000,000 to 649,999,999	**65,700**
650,000,000 to 799,999,999	**67,200**
800,000,000 to 949,999,999	**68,700**
950,000,000 to 1,099,999,999	**70,200**
1,100,000,000 to 1,249,999,999	**71,700**
1,250,000,000 to 1,399,999,999	**73,200**
1,400,000,000 to 1,549,999,999	**74,700**
1,550,000,000 to 1,699,999,999	**76,200**
1,700,000,000 to 1,849,999,999	**77,700**
1,850,000,000 to 1,999,999,999	**79,200**
2,000,000,000 and over	**80,700**

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county **offices or** officials and such compensation shall be payable immediately except that no compensation of any **county office or** county official shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the **offices or** officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of office of such **offices or** officers; except that, no compensation of any **office or** officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for **the offices and** officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to **the** county **offices or** officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county **offices or** officers may be adjusted by the county commission, not to exceed the percentage increase given to the other county employees.

3. **[**Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected**]** **The compensation for county assessors in counties of the first classification for the term of office beginning September 1, 2005, shall be calculated under the salary schedule in this section using the percentage increase approved by**

the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in 2005. This salary shall become effective September 1, 2005.

50.345. 1. The most recent percentage of the maximum allowable compensation established by the salary commission shall continue to apply regardless of any action by the general assembly to modify the salary schedule of any elected county official and shall be based upon the statute in effect at the time the salary commission established the percentage of the maximum allowable compensation for that office. At the meeting of the salary commission following any modification to any elected county official's salary schedule, the salary commission shall base the percentage of maximum allowable compensation as set forth in current statute.

2. Notwithstanding the provisions of subsection 5 of section 50.333 and subsection 2 of section 50.343, following the modification by the general assembly of any elected officer's maximum allowable compensation, the salary commission of any county may meet for the sole purpose of modifying the percentage of the maximum allowable compensation authorized by the county salary commission for any such position."; and

Further amend said bill, Page 11, Section 50.1250, Line 21 of said page, by inserting after all of said line the following:

"51.281. 1. The county clerk in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of clerk on January 1, **[**1997**]** **2004**.

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**29,000**]** **36,540**
41,000,000 to 53,999,999	**[**30,000**]** **37,800**
54,000,000 to 65,999,999	**[**32,000**]** **40,320**
66,000,000 to 85,999,999	**[**34,000**]** **42,840**
86,000,000 to 99,999,999	**[**36,000**]** **45,360**
100,000,000 to 130,999,999	**[**38,000**]** **47,880**
131,000,000 to 159,999,999	**[**40,000**]** **50,400**
160,000,000 to 189,999,999	**[**41,000**]** **51,660**
190,000,000 to 249,999,999	**[**41,500**]** **52,290**
250,000,000 to 299,999,999	**[**43,000**]** **54,180**
300,000,000 **[**or more**]** **to 310,999,999**	**[**45,000**]** **56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

2. Two thousand dollars of the salary authorized in this section shall be payable to the clerk only if the clerk has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the clerk's office when approved by a professional association of the county clerks of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each clerk who completes the training program and shall send a list of certified clerks to the treasurer of each county. Expenses incurred for attending the training session **[**may**]** **shall** be reimbursed to the county clerk in the same manner as other expenses as may be appropriated for that purpose.

3. **[**The county clerk may retain any fees to which he is entitled for services performed in the issuance of fish and game licenses or permits.

4.**]** The county clerk in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county clerk in the particular county for services rendered or performed on the date the salary commission votes.

51.283. Notwithstanding any other provision of law to the contrary, the election authority in each county that does not have a board of election commissioners shall receive additional compensation of seven thousand five hundred dollars annually for duties performed in compliance with the Help America Vote Act of 2002."; and

Further amend said bill, Pages 11 to 13, Section 52.269, by striking said section and inserting in lieu thereof the following:

"52.269. 1. In all counties, except first classification counties having a charter form of government and first classification counties not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, the county collector shall receive an annual salary which shall be paid in equal monthly installments by the county. The salary shall be computed on an assessed valuation basis**, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo,** as provided in this subsection. The assessed valuation factor shall be the amount as shown for the year next preceding the annual salary computation. A county collector subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector shall receive the same percentage adjustments provided by the county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county collector on January 1, **[**1997**] 2004**, or less than the total compensation being received for the services rendered or performed for the period beginning **[**March 1, 1987, and ending February 29, 1988**] January 1, 2004**. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**29,000**] 36,540**
41,000,000 to 53,999,999	**[**30,000**] 37,800**
54,000,000 to 65,999,999	**[**32,000**] 40,320**
66,000,000 to 85,999,999	**[**34,000**] 42,840**
86,000,000 to 99,999,999	**[**36,000**] 45,360**
100,000,000 to 130,999,999	**[**38,000**] 47,880**
131,000,000 to 159,999,999	**[**40,000**] 50,400**
160,000,000 to 189,999,999	**[**41,000**] 51,660**
190,000,000 to 249,999,999	**[**41,500**] 52,290**
250,000,000 to 299,999,999	**[**43,000**] 54,180**
300,000,000 **[**or more**] to 310,999,999**	**[**45,000**] 56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

2. Two thousand dollars of the salary authorized in this section shall be payable to the collector only if the collector has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector's office when approved by a professional association of the county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each collector who completes the training program and shall send a list of certified collectors to the treasurer of each county. Expenses incurred for attending the training session **[**may**] shall** be reimbursed to the county collector in the same manner as other expenses as may be appropriated for that purpose.

3. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the county and deposited into the county general revenue fund. Such fee shall be retained by the collector as compensation for his services, in addition to any amount provided for such collector in this section. **[**Any fee which may be retained by the collector under the terms of such contract may be retained in addition to all other compensation provided by law.]

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all fees collected by the collector shall be collected on behalf of the county and deposited in the county general revenue fund."; and

Further amend said bill, Page 14, Section 52.271, Line 11 of said page, by inserting after all of said line the following:

"53.082. 1. The county assessor in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule provided in this subsection. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of assessor on **[**September 1, 1997**] January 1, 2004**.

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**29,000**] 36,540**
41,000,000 to 53,999,999	**[**30,000**] 37,800**
54,000,000 to 65,999,999	**[**32,000**] 40,320**
66,000,000 to 85,999,999	**[**34,000**] 42,840**
86,000,000 to 99,999,999	**[**36,000**] 45,360**
100,000,000 to 130,999,999	**[**38,000**] 47,880**
131,000,000 to 159,999,999	**[**40,000**] 50,400**
160,000,000 to 189,999,999	**[**41,000**] 51,660**
190,000,000 to 249,999,999	**[**41,500**] 52,290**
250,000,000 to 299,999,999	**[**43,000**] 54,180**
300,000,000 **[**or more**] to 310,999,999**	**[**45,000**] 56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

2. The compensation for county assessors in second, third and fourth classification counties for the term of office beginning September 1, **[**1997**] 2005**, shall be calculated pursuant to the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in **[**1997**] 2005**. This salary shall become effective on September 1, **[**1997**] 2005**.

3. Two thousand dollars of the salary authorized in this section shall be payable to the assessor only if the assessor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the assessor's office when approved by a professional association of the county assessors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each assessor who completes the training program and shall send a list of certified assessors to the treasurer of each county. Expenses incurred for attending the training session **[**may**] shall** be reimbursed to the county assessor in the same manner as other expenses as may be appropriated for that purpose.

4. The county assessor in any county, except a first classification county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county assessor in the particular county for services rendered or performed on the date the salary commission votes.

54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction**[**, nor shall require an increase,**]** in the amount of compensation being paid for the office of treasurer on January 1, **[**2002**] 2004**.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**29,000**] 36,540**
41,000,000 to 53,999,999	**[**30,000**] 37,800**
54,000,000 to 65,999,999	**[**32,000**] 40,320**

66,000,000 to 85,999,999	**[**34,000**] 42,840**
86,000,000 to 99,999,999	**[**36,000**] 45,360**
100,000,000 to 130,999,999	**[**38,000**] 47,880**
131,000,000 to 159,999,999	**[**40,000**] 50,400**
160,000,000 to 189,999,999	**[**41,000**] 51,660**
190,000,000 to 249,999,999	**[**41,500**] 52,290**
250,000,000 to 299,999,999	**[**43,000**] 54,180**
300,000,000 **[**or more**] to 310,999,999**	**[**45,000**] 56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session **[**may**] shall** be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy in the office of treasurer in any county except a county of the first classification with a charter form of government, when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo.

54.320. 1. The county treasurer ex officio collector in counties of the third and fourth classifications adopting township organization shall receive an annual salary as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. A county treasurer ex officio collector subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county treasurer ex officio collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county treasurer ex officio collector shall receive the same percentage adjustments provided by county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county treasurer ex officio collector on January 1, **[**1997**] 2004**, or less than the total compensation being received for the services rendered or performed for the period beginning **[**March 1, 1987, and ending February 29, 1988**] January 1, 2004**. The salary shall be computed on the basis of the following schedule:

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**29,000**] 36,540**
41,000,000 to 53,999,999	**[**30,000**] 37,800**
54,000,000 to 65,999,999	**[**32,000**] 40,320**
66,000,000 to 85,999,999	**[**34,000**] 42,840**
86,000,000 to 99,999,999	**[**36,000**] 45,360**
100,000,000 to 130,999,999	**[**38,000**] 47,880**
131,000,000 to 159,999,999	**[**40,000**] 50,400**
160,000,000 to 189,999,999	**[**41,000**] 51,660**
190,000,000 to 249,999,999	**[**41,500**] 52,290**

250,000,000 to 299,999,999	[43,000] **54,180**
300,000,000 to [449,999,999] **310,999,999**	[45,000] **56,700**
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**
450,000,000 to 499,999,999	**64,200**
500,000,000 to 549,999,999	**65,700**
550,000,000 or more	**67,200**

In addition, the ex officio collector shall be allowed to retain a commission for the collection of all back taxes and all delinquent taxes of two percent on all sums collected to be added to the face of the tax bill, and collected from the party paying the tax. The ex officio collector shall be allowed a commission of three percent on all licenses, and all taxes, including current taxes, back taxes, delinquent taxes and interest collected by the ex officio collector, to be deducted from the amounts collected. The three percent allowed to be retained shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law and beginning January 1, 1989, the two percent allowed to be retained for collection of all back taxes and delinquent taxes shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law. **Notwithstanding any provisions of law to the contrary, or any other provision of law in conflict with the provisions of this section,** the treasurer ex officio collector in each of the third and fourth classification counties which have adopted the township form of county government **shall be allowed to employ not less than one full time deputy and** is entitled to employ **such a number of** deputies and assistants, **as may be necessary to promptly and correctly perform the duties of the office of treasurer ex officio collector,** and for the deputies and assistants is allowed not less than the amount allowed in [1992 or 1993] **2001 or 2002**, whichever is greater**, and shall be allowed not less than any greater amount approved for any subsequent year**.

2. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer ex officio collector only if such officer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer ex officio collector's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer ex officio collector who completes the training program and shall send a list of certified treasurer ex officio collectors to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer ex officio collector in the same manner as other expenses as may be appropriated for that purpose.

55.091. 1. The county auditor in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall receive an annual salary computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of auditor on January 1, [1997] **2004**.

Assessed Valuation	Salary
$ **18,000,000 to 40,999,999**	**$ 36,540**
41,000,000 to 53,999,999	**37,800**
54,000,000 to 65,999,999	**40,320**
66,000,000 to 85,999,999	**42,840**
86,000,000 to 99,999,999	**45,360**
100,000,000 to 130,999,999	**47,880**
131,000,000 to [189,999,999] **159,999,999**	[$40,500]**50,400**
160,000,000 to 189,999,999	**51,660**
190,000,000 to 249,999,999	[41,500] **52,290**
250,000,000 to 299,999,999	[43,000] **54,180**
300,000,000 to [399,999,999] **310,999,999**	[45,000] **56,700**
[400,000,000 to 499,999,999	46,000]
311,000,000 to 330,999,999	**58,200**
331,000,000 to 359,999,999	**59,700**
360,000,000 to 389,999,999	**61,200**
390,000,000 to 449,999,999	**62,700**

450,000,000 to 499,999,999	**64,200**
500,000,000 **[**or more**] to 549,999,999**	**[**47,000**] 65,700**
550,000,000 or more	**67,200**

2. Two thousand dollars of the salary authorized in this section shall be payable to the auditor only if the auditor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the auditor's office when approved by a professional association of the county auditors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each auditor who completes the training program and shall send a list of certified auditors to the treasurer of each county. Expenses incurred attending the training session **[**may**] shall** be reimbursed to the county auditor in the same manner as other expenses as may be appropriated for that purpose.

3. The county auditor in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county auditor in the particular county for services rendered or performed on the date the salary commission votes.

56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation	Amount
$ 18,000,000 to 40,999,999	$**[**37,000**] 46,620**
41,000,000 to 53,999,999	**[**38,000**] 47,880**
54,000,000 to 65,999,999	**[**39,000**] 49,140**
66,000,000 to 85,999,999	**[**41,000**] 51,660**
86,000,000 to 99,999,999	**[**43,000**] 54,180**
100,000,000 to 130,999,999	**[**45,000**] 56,700**
131,000,000 to 159,999,999	**[**47,000**] 59,220**
160,000,000 to 189,999,999	**[**49,000**] 61,740**
190,000,000 to 249,999,999	**[**51,000**] 64,260**
250,000,000 to 299,999,999	**[**53,000**] 66,780**
300,000,000 **[**or more**] to 310,999,999**	**[**55,000**] 69,300**
311,000,000 to 330,999,999	**71,133**
331,000,000 to 359,999,999	**72,966**
360,000,000 to 389,999,999	**74,799**
390,000,000 to 449,999,999	**76,632**
450,000,000 to 499,999,999	**78,465**
500,000,000 to 549,999,999	**80,298**
550,000,000 or more	**82,131**

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session **[**may**] shall** be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

57.317. 1. The county sheriff in any county, other than in a first classification chartered county, shall receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff on January 1, **[**1997**]** **2004**.

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**36,000**]** **45,360**
41,000,000 to 53,999,999	**[**37,000**]** **46,620**
54,000,000 to 65,999,999	**[**38,000**]** **47,880**
66,000,000 to 85,999,999	**[**39,000**]** **49,140**
86,000,000 to 99,999,999	**[**40,000**]** **50,400**
100,000,000 to 130,999,999	**[**42,000**]** **52,920**
131,000,000 to 159,999,999	**[**44,000**]** **53,440**
160,000,000 to 189,999,999	**[**45,000**]** **56,700**
190,000,000 to 249,999,999	**[**46,000**]** **57,960**
250,000,000 to 299,999,999	**[**48,000**]** **60,480**
300,000,000 to **[**449,999,999**]** **310,999,999**	**[**50,000**]** **63,000**
311,000,000 to 330,999,999	**64,667**
331,000,000 to 359,999,999	**66,333**
360,000,000 to 389,999,999	**68,000**
390,000,000 to 449,999,999	**68,152**
450,000,000 to **[**599,999,999**]** **499,999,999**	**[**52,000**]** **72,574**
500,000,000 to 599,999,999	**72,689**
600,000,000 to 749,999,999	**[**54,000**]** **73,256**
750,000,000 to 899,999,999	**[**56,000**]** **74,125**
900,000,000 to 1,049,999,999	**[**58,000**]** **75,181**
1,050,000,000 to 1,199,999,999	**[**60,000**]** **77,673**
1,200,000,000 to 1,349,999,999	**[**62,000**]** **79,621**
1,350,000,000 **[**and over**]** **to 1,549,999,999**	**[**64,000**]** **81,031**
1,550,000,000 to 1,699,999,999	**82,658**
1,700,000,000 to 1,849,999,999	**84,285**
1,850,000,000 to 1,999,999,999	**85,912**
2,000,000,000 and over	**87,539**

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session **[**may**]** **shall** be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes.

58.095. 1. The county coroner in any county, other than in a first classification chartered county, shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, **[**1997**]** **2004**:

Assessed Valuation	Salary
$ 18,000,000 to 40,999,999	$**[**8,000**]** **10,080**
41,000,000 to 53,999,999	**[**8,500**]** **10,710**
54,000,000 to 65,999,999	**[**9,000**]** **11,340**
66,000,000 to 85,999,999	**[**9,500**]** **11,970**
86,000,000 to 99,999,999	**[**10,000**]** **12,600**
100,000,000 to 130,999,999	**[**11,000**]** **13,860**
131,000,000 to 159,999,999	**[**12,000**]** **15,120**
160,000,000 to 189,999,999	**[**13,000**]** **16,380**

190,000,000 to 249,999,999	**[**14,000**] 17,640**
250,000,000 to 299,999,999	**[**15,000**] 18,900**
300,000,000 or more	**[**16,000**] 20,160**

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county. Expenses incurred for attending the training session **[**may**] shall** be reimbursed to the county coroner in the same manner as other expenses as may be appropriated for that purpose.

3. The county coroner in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333, RSMo.

5. Effective January 1, 1997, the county coroner in any county, other than a county of the first classification with a charter form of government, may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the county sheriff."; and

Further amend said bill, Page 117, Section 304.010, Line 21 of said page, by inserting after all of said line the following:

"473.742. 1. Each public administrator in counties of the second, third or fourth classification and in the city of St. Louis shall make a determination within thirty days after taking office whether such public administrator shall elect to receive a salary as defined herein or receive fees as may be allowed by law to executors, administrators and personal representatives. The election by the public administrator shall be made in writing to the county clerk. Should the public administrator elect to receive a salary, the public administrator's office may not then elect to change at any future time to receive fees in lieu of salary.

2. If a public administrator elects to be placed on salary, the salary shall be based upon the average number of open letters in the two years preceding **[**the term when the salary is elected,**]** based upon the following schedule:

(1) Zero to five letters: Salary shall be a minimum of **[**seven**] ten** thousand **[**five hundred**]** dollars;

(2) Six to fifteen letters: Salary shall be a minimum of **[**fifteen**] twenty** thousand dollars;

(3) Sixteen to twenty-five letters: Salary shall be a minimum of **[**twenty**] twenty-six** thousand dollars;

(4) Twenty-six to thirty-nine letters: Salary shall be a minimum of **[**twenty-five**] thirty-three** thousand dollars;

(5) Public administrators with forty or more letters shall be considered full-time county officials and shall be paid according to the assessed valuation schedule set forth below:

Assessed valuation	Salary
$ 8,000,000 to 40,999,999	**[**$29,000**] $36,540**
$ 41,000,000 to 53,999,999	**[**$30,000**] $37,800**
$ 54,000,000 to 65,999,999	**[**$32,000**] $40,320**
$ 66,000,000 to 85,999,999	**[**$34,000**] $42,840**
$ 86,000,000 to 99,999,999	**[**$36,000**] $45,360**
$100,000,000 to 130,999,999	**[**$38,000**] $47,880**
$131,000,000 to 159,999,999	**[**$40,000**] $50,400**
$160,000,000 to 189,999,999	**[**$41,000**] $51,660**

$190,000,000 to 249,999,999	[$41,500] **$52,290**
$250,000,000 to 299,999,999	[$43,000] **$54,180**
$300,000,000 to [449,999,999] **310,999,999**	[$45,000] **$56,700**
$[450,000,000 to 599,999,999] **311,000,000 to 330,999,999**	[$47,000] **$58,200**
$[600,000,000 to 749,999,999] **331,000,000 to 359,999,999**	[$49,000] **$59,700**
$[750,000,000 to 899,999,999] **360,000,000 to 389,999,999**	[$51,000] **$61,200**
$[900,000,000 to 1,049,999,999] **390,000,000 to 449,999,999**	[$53,000] **$62,700**
$[1,050,000,000 to 1,199,999,999] **450,000,000 to 499,999,999**	[$55,000] **$64,200**
$[1,200,000,000 to 1,349,999,999] **500,000,000 to 549,999,999**	[$57,000] **$65,700**
$ 650,000,000 to 799,999,999	**$67,200**
$ 800,000,000 to 949,999,999	**$68,700**
$ 950,000,000 to 1,099,999,999	**$70,200**
$1,100,000,000 to 1,249,999,999	**$71,700**
$1,250,000,000 to 1,399,999,999	**$73,200**
$1,400,000,000 to 1,549,999,999	**$74,700**
$1,550,000,000 to 1,699,999,999	**$76,200**
$1,700,000,000 to 1,849,999,999	**$77,700**
$1,850,000,000 to 1,999,999,999	**$79,200**
$[1,350,000,000] **2,000,000,000** and over	[$59,000] **$80,700**;

(6) The public administrator in the city of St. Louis shall receive a salary not less than sixty-five thousand dollars.

3. The initial compensation of the public administrator who elects to be put on salary shall be determined by the average number of letters for the two years preceding the term when the salary is elected. Salary increases or decreases according to the minimum schedule set forth in subsection 1 of this section shall be adjusted only after the number of open letters places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters each year shall be determined in accordance with the reporting requirements set forth in law.

4. All fees collected by a public administrator who elects to be salaried shall be deposited in the county treasury or with the treasurer for the city of St. Louis.

5. Any public administrator in a county of the first classification [without a charter form of government] with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo."; and

Further amend Page 141, Section B, Line 8, by inserting after all of said line the following:

"Section C. Sections 49.082, 50.334, 50.343, 50.345, 51.281, 51.283, 52.269, 53.082, 54.261, 54.370, 55.091, 56.265, 57.317, 58.095, and 473.742 as repealed and reenacted or enacted by this act shall be effective January 1, 2006."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 21

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 17, Section 67.320, Line 29 of said page, by inserting after all of said line the following:

"**5. Pursuant to Article IX of the Missouri Constitution, fines received by the county pursuant to this section shall be paid to the school districts in the county pursuant to chapter 166, RSMo.**".

Senate Amendment No. 23

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 70, Section 67.2535, Line 16, by inserting after said line the following:

"94.270. **1.** The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-one dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of eleven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 25

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 16, Section 64.825, Line 28, by inserting after all of said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years,

or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds,** rents, revenues, receipts

and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1
to
Senate Amendment No. 25

AMEND Senate Amendment No. 25 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Pages 2-7, Section 64.940, by striking said section from the amendment.

Senate Amendment No. 26

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 126, Section 644.032, Line 18 of said page, by inserting immediately after said line the following:

"701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule; and

(2) The inspection or risk assessment occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

(5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

3. The director shall assess fees for licenses and accreditation **and levy fines** in accordance with rules promulgated pursuant to sections 701.300 to **[**701.330**] 701.338**. All such fees **and fines** shall be deposited into the state treasury to the credit of the public health services fund established in section 192.900, RSMo.

4. In commercial lead production areas, if the department identifies lead hazards due to paint, mini-blinds, or other household products/sources in a property where a child has been identified with an EBL, the owner shall comply with the requirement for abating or establishing interim controls for the above stated hazards, in a manner consistent with the recommendations described by the department and within the applicable time period. Residential property owners in commercial lead production areas shall not be fined pursuant to this section after compliance with the requirement for abating or establishing interim controls established by the department per the initial risk assessment, or made to pay for any type o lead remediation necessary due to the commercial lead production and transport unless the commercial lead production or transport company, or their subsidiaries, agents, or successors owns the property.

701.305. The department of health and senior services shall provide on its Internet website educational information that explain the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspectors, risk assessors, and the lead abatement contractors.

701.308. 1. Upon receipt of written notification of the presence of a lead hazard, the owner shall comply with the requirement for abating or establishing interim controls for the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling or child-occupied facility is a rental or leased property, the owner may remove it from the rental market.

2. Except as provided in subsection 1 of this section, no tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the dwelling owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law.

3. No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.

4. **A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, is authorized to re-enter a dwelling or child-occupied facility to determine if the required actions have been taken that will result in the reduction of lead hazards. If consent to enter is not granted, the representative of the department, local government, or local health department may petition the court for an order to enter the premises. The court shall grant the order upon a showing that the representative of the department, local government, or local health department has attempted**

to notify the dwelling's owner or adult occupant in writing of the time and purpose of the re-entry at least forty-eight hours in advance.

5. [Whenever**] Upon re-entry, if** the department**[**,**] or a** representative of a unit of local government**[**,**]** or local health department licensed by the department for this purpose, finds**[**, after providing written notification to the owner,**]** that **the owner has not taken the** required actions which **[**will result**] have resulted** in the reduction of **[**a**]** lead **[**hazard in a dwelling or child-occupied facility have not been taken**] hazards**, the owner shall be deemed to be in violation of sections 701.300 to 701.338. Such violation shall not by itself create a cause of action. The department or the local government or local health department shall:

(1) Notify in writing the owner found to be causing, allowing or permitting the violation to take place; and

(2) Order that the owner of the dwelling or child-occupied facility shall cease and abate causing, allowing or permitting the violation and shall take such action as is necessary to comply with this section and the rules promulgated pursuant to this section.

[5.**] 6.** If **[**no action is taken pursuant to subsection 4 of this section which would result in abatement or interim control of the lead hazard within the stated time period**], upon re-entry, the lead hazard has not been reduced,** the following steps may be taken:

(1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling or child-occupied facility until the owner complies with the notice; or

(2) The department**[**,**] or** representative of a unit of local government or health department licensed by the department for this purpose, **[**shall**] may** report any violation of sections 701.300 to 701.338 to the prosecuting attorney of the county in which the dwelling or child-occupied facility is located and notify the owner that such a report has been made. The prosecuting attorney shall seek injunctive relief to ensure that the lead hazard is abated or that interim controls are established.

7. In addition to the injunctive relief provided in subdivision (2) of subsection 6 of this section, the court may impose a fine against the owner of the dwelling or child-occupied facility found to be in violation of any provision of sections 701.300 to 701.338. The amount of such fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed ten thousand dollars. The fine shall not be less than five thousand dollars if said owner has failed to reduce identified lead hazards upon a showing that:

(1) Said property owner has been notified that an occupant or child less than six years of age dwelling in his property has an elevated blood lead level pursuant to section 701.306;

(2) That re-entry by the department under subsection 5 of this section revealed that the required actions to reduce the lead hazards were not taken; and

(3) Another occupant or child less than six years of age dwelling in his property is identified with an elevated blood lead level.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

(1) Submit to the department a written notification as prescribed by the department; and

(2) Pay a notification fee of twenty-five dollars.

2. **In addition to the specified penalties in section 701.320, failure to notify the department prior to the onset of a lead abatement project shall result in a fine levied by the department of one thousand dollars imposed against the lead abatement contractor for the first identified offense, two thousand dollars for the second identified offense, and thereafter, fines shall be doubled for each identified offense.**

3. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the department's Internet website.

4. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and

(2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

5. Upon completion of the abatement, the lead abatement contractor shall submit to the department written notification and the final clearance inspection report.

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as

may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the director for the performance of any act the notice requires;

(4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;

(5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

4. **In the event the department is required to revisit an abatement project, either because a contractor is not present for the notification visit referenced in section 701.309 or because the contractor is found in violation of a provision of sections 701.300 to 701.338 or any regulation promulgated thereunder, the lead abatement contractor shall pay a fee of one hundred and fifty dollars per re-visit.**

5. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

[5.**]** **6.** The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city, county or department, institute appropriate proceedings for correction.

[6.**]** **7.** When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

8. In addition to any other penalty provided by law, the department may assess a fine in a maximum amount not to exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the department who violates a provision of sections 701.300 to 701.338, or any rule promulgated thereunder. In the cases of a continuing violation, every day such violation continues shall be deemed a separate violation.

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

(1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;

(2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;

(3) Fees for any such licenses;

(4) Training, education and experience requirements; and

(5) The implementation of work practice standards, reporting requirements and licensing standards.

2. **[**The director shall issue temporary risk assessor licenses to persons who, as of August 28, 1998, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.**]** **The director shall require, as a condition**

of licensure, lead abatement contractors to purchase and maintain liability insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable. The licensee or applicant may provide proof of liability insurance in an amount to be determined by the director which shall not be less than three hundred thousand dollars.

701.313. 1. Any local community organization, government agency, or quasi-government agency issuing grants or loans for lead abatement projects must provide written notification to the department no later than ten days prior to the onset of a lead abatement project. The written notification shall include, but not be limited to, the name of the lead abatement contractor, the address of the property on which the lead abatement project shall be conducted, and the date on which the lead abatement project will be conducted.

2. If the local community organization, government agency, or quasi-government agency fails to provide written notification for each property pursuant to subsection 1 of this section, a fine of two hundred fifty dollars shall be levied by the department.

3. If the local community organization, government agency, or quasi-government agency is unable to comply with the requirements in subsection 1 of this section due to an emergency situation, as defined by the department, the local community organization, government agency, or quasi-government agency shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the lead abatement project; and

(2) Provide written notification to the department no later than five days after the onset of the lead abatement project.

701.320. **1.** Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any subsequent violation of the provisions of sections 701.308, 701.309, 701.310, 701.311, and 701.316 is a class D felony.

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. **The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, American Academy of Pediatrics, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning by August 28, 2008. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.**

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

4. The department of social services shall seek Medicaid waivers for the funding of lead prevention cleaning treatments and lead hazard reduction measures in the properties of Medicaid recipients. The department shall coordinate with the department of health and senior services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted for the purpose of identifying lead hazards in properties.

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. **The department of social services, in collaboration with the department of health and senior services, shall ensure that all children six months through six years of age who are in foster care in geographic areas identified as high risk by the department are tested annually for lead poisoning. The costs of the testing shall be paid through the state Medicaid program. If a child who is in foster care and resides in a high risk area is not eligible for Medicaid, the costs of the testing shall be paid by the state.**

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.**]** **7.** When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 27

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 83, Section 144.030, Line 27, by inserting immediately after the word "activities" the following:

"**and all sales made by or to any organization that has been granted tax exempt status under section 501 (c) (3) of the United States Internal Revenue Code of 1986, as amended, in its tax-exempt and activities**".

Senate Amendment No. 28

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 122, Section 479.020, Line 2, by inserting immediately after said line the following:

"488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, in any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, such county may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county **[**of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for also be applied and expended for courtroom renovation and technology enhancement **[**in those counties**], or for debt service on county bonds for such renovation or enhancement projects**."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 30

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 74, Section 94.578, Line 6, by inserting immediately after all of said line the following:

"135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a **"multiple unit condominium"** is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section which is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and which lies within an area with a city zoning classification of urban redevelopment district, may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 31

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 & 1161, Page 123, Section 537.550, Line 25, by striking all of said section; 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 has taken up and passed **SCS HCS HB 1305**, entitled:

An act to repeal sections 383.010, 383.015, 383.030, and 383.035, RSMo, and to enact in lieu thereof five new sections relating to malpractice insurance.

With Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1 and Senate Amendment No. 1, as amended.

Senate Amendment No. 1
to
Senate Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 5, Section 383.151, Lines 22-24, by striking all of said lines and inserting in lieu thereof the following: "**health care providers**."; and

Further amend said amendment, Page 10, Section 383.200, Line 2, by inserting after said line the following:

"**7. The provisions of this section shall only apply to insurers who issue policies of medical malpractice insurance.**".

Senate Amendment No. 2
to
Senate Amendment No. 1

AMEND Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 2, Section 135.163, Line 28 of said page, by inserting immediately after said line the following:

"**354.001. 1. Any health services corporation, health maintenance organization, or other entity organized pursuant to this chapter shall not require, as a condition of participation in the provider network of the corporation, organization, or other entity, that a physician maintain a medical malpractice insurance policy that is deemed by the director of the department of insurance to be excessive.**

2. The director of the department of insurance is authorized to promulgate rules and regulations to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 1

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"**135.163. 1. For all tax years beginning on or after January 1, 2005, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount of up to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2004.**

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Any taxpayer seeking the credit shall submit the required certification documents, as determined by the department of insurance, by December thirty-first of the year for which the credit will be claimed. By January thirty-first of each year, the department shall approve or disapprove the credits and equally prorate all credits, if necessary, to meet the restrictions of subsection 4 of this section. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.

379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;

(2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;

(3) Insurance against loss or damage to aircraft;

(4) All forms of motor vehicle insurance; and

(5) All forms of life, accident and health, **[**and**]** workers' compensation insurance**, and medical malpractice liability insurance**.

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321."; and

Further amend said bill, Page 3, Section 383.010, Line 53, by inserting immediately after said line the following:

"**383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo.**"; and

Further amend said bill, Page 7, Section 383.035, Line 116, by inserting immediately after said line the following:

"383.150. As used in sections 383.150 to 383.195, the following terms shall mean:

(1) "Association" **[**means**]**, the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;

(2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;**

(3) "Director" **[**means**]**, the director of the department of insurance;

[(3)**] (4)** "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)**] (5)** "Medical malpractice insurance" **[**means**]**, insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)**] (6)** "Net direct premiums" **[**means**]**, gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:

(1) Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or

(2) Establish any other method reasonably designed to provide insurance to such health care providers.

383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:

(1) "Director", the same meaning as such term is defined in section 383.100;

(2) "Health care provider", the same meaning as such term is defined in section 383.100;

(3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;

(4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.

2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;

(2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.

(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act. No insurer that is required to file an application pursuant to this paragraph shall increase the subject rate until a rate increase has been approved pursuant to subsection 2 or 3 of this section.

(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.

(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;

(3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:

(a) Establish a range within which an expected rate of return shall be presumed reasonable;

(b) Establish a range within which categories of expenses shall be presumed reasonable;

(c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;

(d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;

(e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;

(f) Establish the proper weights to be given to different years of experience;

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No

medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

(a) United States government bonds;

(b) Bonds exempt from federal taxation;

(c) Other unaffiliated bonds;

(d) Bonds of affiliates;

(e) Unaffiliated preferred stock;

(f) Preferred stock of affiliates;

(g) Unaffiliated common stock;

(h) Common stock of affiliates;

(i) Mortgage loans;

(j) Real estate; and

(k) Any additional categories of investments specified by the director of insurance.

383.220. 1. On or before July 1, 2005, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

(1) Developing a customized interface with the insurer's own rating engine;

(2) Accessing a third-party rating engine of the insurer's choice;

(3) Loading the insurer's rating information into a rating engine operated by the director;

(4) Any other method agreed on between the director and the insurer.

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2005, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

(1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and

(2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage."; and

Further amend said bill, Page 9, Section 383.600, Line 52, by inserting immediately after said line the following:

"**383.605. 1. Sections 383.605 to 383.655 shall be known as the "Missouri Physicians Mutual Insurance Company Act".**

2. As used in sections 383.605 to 383.655 the following words mean:

(1) "Administrator", the chief executive officer of the Missouri physicians mutual insurance company;

(2) "Board", the board of directors of the Missouri physicians mutual insurance company;

(3) "Company", the Missouri physicians mutual insurance company.

383.610. The "Missouri Physicians Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.605 to 383.655. The company shall use flexibility and experimentation in the development of types of polices and coverages offered to physicians and their employees, subject to the approval of the director of the department of insurance.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2005, and shall consist of nine members appointed or selected as provided in this section. The governor shall appoint the initial nine members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The nine directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy holders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

(1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;

(2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;

(3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.

3. There shall be one member from each congressional district of the state. Further, two members shall be doctors of osteopathic medicine duly licensed to practice in the state of Missouri, three members shall be medical doctors licensed to practice in this state, one member shall be a nurse licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have insurance experience.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2005, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be in operation by January 1, 2005, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority, and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company and upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in this section.

2. After October 1, 2004, ten million dollars of the moneys received from the master settlement agreement, as defined in section 196.1000, RSMo, shall be used to make loans for start-up funding and initial capitalization of the company. The state legislature shall place such moneys in a special fund under the supervision of the Missouri state treasurer called the "Physicians Mutual Insurance Company Loan Fund" in the appropriations for the appropriate fiscal year. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the Missouri Physicians Mutual Insurance Company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

13. Not more than fifty percent of the bonds sold shall be sold to public entities.

383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.

5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.

7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective."; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HCS HBs 795, 972, 1128 & 1161, as amended, relating to county government, was taken up by Representative Johnson (47).

Representative Johnson (47) moved that the House refuse to adopt **SS SCS HCS HBs 795, 972, 1128 & 1161, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted by the following vote:

AYES: 156

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
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	Donnelly
Dougherty	Dusenberg	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	Meadows
Meiners	Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Swinger	Taylor	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

Avery	Bivins	Carnahan	Dixon	El-Amin
Schoemehl	Thompson			

SCS HCS HB 1305, as amended, relating to medical malpractice, was taken up by Representative Byrd.

Representative Byrd moved that the House refuse to adopt **SCS HCS HB 1305, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

PERFECTION OF HOUSE BILL

HCS HBs 1181 & 1719, relating to a Vehicle Emissions Inspection Program, was taken up by Representative Lembke.

On motion of Representative Lembke, **HCS HBs 1181 & 1719** was adopted by the following vote:

AYES: 076

Barnitz	Bean	Black	Bough	Cooper 155
Corcoran	Cunningham 86	Curls	Darrough	Davis 19
Dempsey	Dougherty	Dusenberg	Fares	George
Goodman	Green	Hampton	Harris 110	Haywood
Henke	Holand	Hubbard	Hunter	Icet
Jackson	Kingery	Lembke	LeVota	Liese
Lipke	Lowe	McKenna	Meadows	Moore
Morris	Muckler	Myers	Nieves	Page
Parker	Phillips	Portwood	Pratt	Rector
Reinhart	Roark	Rupp	Schlottach	Schneider
Selby	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Thompson
Threlkeld	Villa	Vogt	Wagner	Walker
Walsh	Walton	Ward	Whorton	Wilson 130
Wood	Wright	Yaeger	Yates	Zweifel
Madam Speaker				

NOES: 069

Baker	Behnen	Bishop	Boykins	Bringer
Brown	Bruns	Burnett	Byrd	Campbell
Cooper 120	Crawford	Crowell	Cunningham 145	Daus
Davis 122	Deeken	Dethrow	Dixon	Donnelly
Emery	Engler	Ervin	Fraser	Graham
Guest	Harris 23	Hilgemann	Hobbs	Hoskins
Jetton	Johnson 47	Jolly	Jones	Kelly 144
Kelly 36	King	Kratky	Kuessner	Lager
Lawson	Luetkemeyer	Marsh	May	Meiners
Miller	Munzlinger	Pearce	Purgason	Quinn
Richard	Ruestman	Salva	Sander	Schaaf
Seigfreid	Self	Shoemaker	Shoemyer	Swinger
Townley	Viebrock	Wasson	Wildberger	Willoughby
Wilson 119	Wilson 25	Witte	Young	

PRESENT: 003

Brooks	Ransdall	Wilson 42

ABSENT WITH LEAVE: 015

Abel	Angst	Avery	Bearden	Bivins
Bland	Carnahan	El-Amin	Johnson 61	Johnson 90
Mayer	Sager	Schoemehl	Taylor	Wallace

Representative Corcoran requested a verification of the roll call on the motion to adopt **HCS HBs 1181 & 1719**.

On motion of Representative Lembke, **HCS HBs 1181 & 1719** was ordered perfected and printed.

REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

HCR 39 - Small Business

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SB 810 - Agriculture
SB 1153 - Conservation and Natural Resources
SCS SB 1196 - Small Business

COMMITTEE REPORTS

Committee on Children and Families, Chairman Phillips reporting:

Madam Speaker: Your Committee on Children and Families, to which was referred **SCS SB 762**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Madam Speaker: Your Committee on Job Creation and Economic Development, to which was referred **SCS SB 1269**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation and Motor Vehicles, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **SS SCS SBs 1233, 840 & 1043**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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 **SCS HB 822**, entitled:

An act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

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 has taken up and passed **SCS HB 938**, entitled:

An act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts, with an expiration date and an emergency clause.

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 has taken up and passed **SCS HBs 1071, 801, 1275 & 989**, entitled:

An act to authorize the governor to convey certain tracts of land, with an emergency clause for certain sections.

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 has taken up and passed **SCS HCS HB 1136**, entitled:

An act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

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 has taken up and passed **SCS HS HCS HB 1290**, entitled:

An act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations with the cure of a chronic illness as its primary purpose.

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 has taken up and passed **SCS HCS HB 1321**, entitled:

An act to repeal sections 67.457 and 67.469, RSMo, and to enact in lieu thereof three new sections relating to neighborhood improvement districts.

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 has taken up and passed **SCS HCS HB 1456** and **HB 824**, entitled:

An act to repeal section 94.834, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes.

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 has taken up and adopted **SCR 44.**

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, health involves all aspects of life, including mind, body, spirit, and environment, and high-quality health care must support care of the whole person; and

WHEREAS, promoting the use of science and appropriate scientific methods to help identify safe and effective complementary and alternative medicine (CAM) services and products and to generate evidence will protect and promote the public health; and

WHEREAS, people have a remarkable capacity for recovery and self-healing, and a major focus of health care is to support and promote this capacity; and

WHEREAS, each person is unique and has the right to health care that is appropriately responsive to him or her, respecting preferences and preserving dignity; and

WHEREAS, each person has the right to choose freely among safe and effective care or approaches, as well as among qualified practitioners who are accountable for their claims and actions and responsive to the person's needs; and

WHEREAS, good health care emphasizes self-care and early intervention for maintaining and promoting health; and

WHEREAS, good health care requires teamwork among patients, health care practitioners (conventional and CAM), and researchers committed to creating optimal healing environments and to respecting the diversity of all health care traditions; and

WHEREAS, education about prevention, healthy lifestyles, and the power of self-healing should be made an integral part of the curricula of all health care professionals and should be made available to the public of all ages; and

WHEREAS, the quality of health care can be enhanced by promoting efforts that thoroughly and thoughtfully examine the evidence on which CAM systems, practices, and products are based and make this evidence widely, rapidly, and easily available; and

WHEREAS, the input of informed consumers and other members of the public must be incorporated in setting priorities for health care and health care research and in reaching policy decisions, including those related to CAM, within the public and private sectors:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Complementary and Alternative Medicine Policy"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the members of the Committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Department of Health and Senior Services and the Division of Professional Registration; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee shall provide a report on legislative and administrative recommendations for assuring that public policy maximizes the benefits to Missourians of complementary and alternative medicine. The recommendations shall address the following:

(1) The education and training of health care practitioners in complementary and alternative medicine;

(2) The coordinated research to increase knowledge about complementary and alternative medicine practices and products;

(3) The provision to health care professionals of reliable and useful information about complementary and alternative medicine that can be made readily accessible and understandable to the general public;

(4) Guidance for appropriate access to and delivery of complementary and alternative medicine; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005, and the authority of such Committee shall terminate on December 31, 2004; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

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 has taken up and adopted **HCS SS SCS SBs 740, 886 & 1178, as amended**, and has taken up and passed **HCS SS SCS SBs 740, 886 & 1178, as amended**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HS HCS SCS SB 1160** and has taken up and passed **HS HCS SCS SB 1160**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SS SCS HCS HBs 795, 972, 1128 & 1161**, **as amended**, and grants the House a conference thereon.

COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Hampton is no longer a member of the Joint Committee on Corrections.

Representative Harris (110) has been appointed a member of the Joint Committee on Corrections.

RECESS

On motion of Representative Crowell, the House recessed until the Conference Committee Reports on **SCS HS HCS HB 1004**, **SCS HS HCS HB 1005, as amended**, **SCS HS HCS HB 1006**, **SCS HS HCS HB 1007, as amended**, **SCS HS HCS HB 1008**, **SCS HS HCS HB 1009**, **SCS HS HCS HB 1010, as amended**, and **SCS HS HCS HB 1012, as amended**, were distributed or until 10:00 p.m.

The hour of recess having expired, the House was called to order by Representative Crowell.

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1004

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1004.

3. That the attached Conference Committee Substitute for House Bill No. 1004, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Chuck Gross
/s/ Sen. Charles W. Shields
/s/ Sen. Wayne Goode
/s/ Sen. Pat Dougherty

FOR THE HOUSE:

/s/ Rep. Carl Bearden
/s/ Rep. Brad Lager
/s/ Rep. Allen Icet
/s/ Rep. Matt Muckler
/s/ Rep. Clint Zweifel

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1005

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1005.

3. That the attached Conference Committee Substitute for House Bill No. 1005, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Chuck Gross
/s/ Sen. Charles W. Shields
/s/ Sen. Wayne Goode
/s/ Sen. Pat Dougherty

FOR THE HOUSE:

/s/ Rep. Carl Bearden
/s/ Rep. Brad Lager
/s/ Rep. Allen Icet
/s/ Rep. Thomas Villa
/s/ Rep. Albert Liese

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1007

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1007.

3. That the attached Conference Committee Substitute for House Bill No. 1007, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sen. John T. Russell	/s/ Rep. Carl Bearden
/s/ Sen. Chuck Gross	/s/ Rep. Brad Lager
/s/ Sen. Charles W. Shields	/s/ Rep. Allen Icet
/s/ Sen. Wayne Goode	/s/ Rep. Jenée Lowe
/s/ Sen. Pat Dougherty	/s/ Rep. Amber Boykins

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1009

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1009 begs leave to report that we, after free and

fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1009.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1009.

3. That the attached Conference Committee Substitute for House Bill No. 1009, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sen. John T. Russell	/s/ Rep. Carl Bearden
/s/ Sen. Chuck Gross	/s/ Rep. Brad Lager
/s/ Sen. Charles W. Shields	/s/ Rep. Bryan Stevenson
/s/ Sen. Wayne Goode	/s/ Rep. Dan Ward
/s/ Sen. Pat Dougherty	/s/ Rep. Tim Meadows

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1010

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1010.

3. That the attached Conference Committee Substitute for House Bill No. 1010, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Chuck Gross
/s/ Sen. Charles W. Shields
/s/ Sen. Wayne Goode
/s/ Sen. Pat Dougherty

FOR THE HOUSE:

/s/ Rep. Carl Bearden
/s/ Rep. Brad Lager
/s/ Rep. Bryan Stevenson
/s/ Rep. Vicky Riback Wilson
/s/ Rep. Connie Johnson

CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1012

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1012.

3. That the attached Conference Committee Substitute for House Bill No. 1012, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sen. John T. Russell
/s/ Sen. Chuck Gross
/s/ Sen. Charles W. Shields
/s/ Sen. Wayne Goode

FOR THE HOUSE:

/s/ Rep. Carl Bearden
/s/ Rep. Brad Lager
/s/ Rep. Bryan Stevenson

ADJOURNMENT

On motion of Representative Hanaway, the House adjourned until 10:00 a.m., Tuesday, May 4, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Bob Behnen, District 2, hereby state and affirm that my vote as recorded on Page 1279 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Bob Behnen
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 1286 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ John Burnett
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 1287 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ John Burnett
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 1288 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ John Burnett
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative Shannon Cooper, District 120, hereby state and affirm that my vote as recorded on Pages 1281 and 1282 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Shannon Cooper
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative Curt Dougherty, District 53, hereby state and affirm that my votes as recorded on Pages 1286 and 1287 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave were incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time these votes were taken, I did in fact vote, and my votes or absence were incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Curt Dougherty
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Gary Dusenberg, District 54, hereby state and affirm that my vote as recorded on Page 1283 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Gary Dusenberg
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Steve Hunter, District 127, hereby state and affirm that my vote as recorded on Page 1279 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Steve Hunter
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Rick Johnson, District 90, hereby state and affirm that my vote as recorded on Page 1280 of the House Journal for Thursday, April 29, 2004 showing that I voted aye was incorrectly recorded. Pursuant to House Rule

88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Rick Johnson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative Vicki Schneider, District 17, hereby state and affirm that my vote as recorded on Pages 1278 and 1279 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Vicki Schneider
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative Vicki Walker, District 50, hereby state and affirm that my vote as recorded on Page 1279 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Vicki Walker
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

I, State Representative Dan Ward, District 107, hereby state and affirm that my vote as recorded on Page 1287 of the House Journal for Thursday, April 29, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 3rd day of May 2004.

/s/ Dan Ward
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 3rd day of May in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

_____

COMMITTEE MEETINGS

BUDGET
Tuesday, May 4, 2004, 8:30 a.m. Hearing Room 3.
Fiscal review and possible Executive session.
For fiscal review HB 1099 and SB 1020.
Committee will hear other bills assigned or referred for fiscal review.

BUDGET
Wednesday, May 5, 2004, 8:00 a.m. Hearing Room 3.
Possible Executive session. Other bills as assigned or referred for fiscal review.

BUDGET
Thursday, May 6, 2004, 8:00 a.m. Hearing Room 3.
Possible Executive session. Other bills as assigned or referred for fiscal review.

COMMUNICATIONS, ENERGY AND TECHNOLOGY
Tuesday, May 4, 2004, Hearing Room 3 upon morning adjournment.
Executive session to be held.

HOMELAND SECURITY AND VETERANS AFFAIRS
Wednesday, May 5, 2004, Hearing Room 5 upon morning adjournment.
Executive session may follow.
Public hearings to be held on: HCR 23, SCS SB 1171

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT
Thursday, May 6, 2004, 8:00 a.m. Hearing Room 7.
Second quarter meeting.

TAX POLICY
Tuesday, May 4, 2004, House Chamber side gallery upon morning adjournment.
Executive session may be held on: SCS SB 988, SB 1394

TOURISM AND CULTURAL AFFAIRS
Tuesday, May 4, 2004, Hearing Room 5 upon morning adjournment.
Executive session will follow.
Public hearing to be held on: SS SCS SB 1034

HOUSE CALENDAR

SIXTY-SECOND DAY, TUESDAY, MAY 4, 2004

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILLS FOR PERFECTION

1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
2 HCS HB 1380 - Lager (4)
3 HB 1092 - Deeken (114)
4 HCS HB 843, 880 & 1042 - Angst (146)
5 HB 1424 - Stefanick (93)
6 HB 1302 - Lager (4)
7 HCS HB 1085, HA 6 and HS, as amended, pending - Townley (112)
8 HB 1337 - Nieves (98)
9 HCS HB 1243, 1094 & 931 - Mayer (159)
10 HCS HB 1267 - Cooper (120)
11 HB 1408 - Mayer (159)
12 HCS HB 1671 - Hanaway (87)
13 HB 1548 - Crawford (117)
14 HB 881 - Bruns (113)
15 HCS HB 957 - Cunningham (145)
16 HCS HB 1702 - Thompson (72)
17 HCS HB 1480 - Rupp (13)

HOUSE BILLS FOR THIRD READING

1 HCS HB 1099, (Budget 4-21-04) - Reinhart (34)
2 HCS HB 1181 & 1719 - Selby (105)

HOUSE BILLS FOR THIRD READING - CONSENT

1 HCS HB 1524 - Ransdall (148)
2 HCS HB 1069 - Bivins (97)

SENATE CONCURRENT RESOLUTION

SCR 37, (4-29-04, pages 1289 - 1290) - Engler (106)

SENATE BILLS FOR THIRD READING - CONSENT

1 SCS SB 878 - Rector (124)
2 SCS SB 1331 - Bivins (97)
3 HCS SS SB 732 - Johnson (47)
4 HCS SB 884 - Lager (4)
5 SCS SB 921, E.C. - Byrd (94)
6 SCS SB 1006 - Page (82)
7 SB 1111 - Lager (4)
8 SB 1107 - Schaaf (28)
9 HCS SCS SB 1106, E.C. - Schaaf (28)
10 HCS SCS SB 1093 - Hanaway (87)
11 HCS SCS SB 1091 - Parker (12)
12 SB 1055 - Johnson (47)
13 HCS SB 1012, E.C. - Baker (123)
14 SCS SB 992 - Mayer (159)
15 SCS SB 956 - Wilson (119)
16 SB 951 - Threlkeld (109)
17 HCS SCS SBs 942, 850 & 841, E.C. - Goodman (132)
18 HCS SCS SB 945 and SB 803 and SB 1257, E.C. - Moore (20)
19 SCS SB 901, HCA 1 - Townley (112)
20 SB 899 - Dusenberg (54)
21 HCS SB 824 - Schlottach (111)
22 HCS SCS SB 782 - Johnson (47)
23 HCS SB 769, E.C. - Emery (126)
24 SCS SB 767 - Cunningham (145)
25 SCS SB 757, HCA 1 - Cooper (120)
26 SB 1130 - Deeken (114)
27 SCS SB 1172 - Fares (91)

(4/28/04)

1 SCS SB 788, E.C. - Goodman (132)
2 SB 842, E.C. - Wood (62)
3 SCS SB 859 - Stefanick (93)
4 SCS SB 952 - Johnson (47)

5 SCS SB 1078 - Richard (129)
6 SB 1083 - Schaaf (28)
7 SB 1086 - Pearce (121)
8 SCS SB 1195 - Lager (4)
9 SCS SB 1235 - Luetkemeyer (115)
10 HCS SB 1242 - Wilson (42)
11 SB 1243 - Byrd (94)
12 SB 1249 - Dempsey (18)
13 SCS SB 1250 - Rector (124)
14 SCS SB 1253 - Dempsey (18)
15 HCS SB 1259 - Taylor (68)
16 SB 1285 - Cooper (120)
17 HCS SB 1299 - Luetkemeyer (115)
18 SB 1302, E.C. - Morris (138)
19 SCS SB 1304 - Lembke (85)
20 SB 1320 - Luetkemeyer (115)

(4/29/04)

1 HCS SCS SB 758, E.C. - Nieves (98)
2 SB 772 - Daus (67)
3 SB 894 - Dusenberg (54)
4 SCS SB 962 - Lager (4)
5 SCS SB 974 - Rupp (13)
6 HCS SB 1114 - St. Onge (88)
7 HCS SCS SB 1181 - Ruestman (131)
8 SCS SB 1188, E.C. - Luetkemeyer (115)
9 SCS SB 1212 - Johnson (47)
10 SCS SB 1215 - Dixon (140)
11 HCS SB 1274 - Behnen (2)
12 HCS SB 1329 - Sutherland (99)
13 HCS SB 1391 - Black (161)

(5/03/04)

1 SB 781 - Byrd (94)
2 HCS SCS SB 799 - Rupp (13)
3 SB 883 - Lager (4)
4 SCS SB 1044 - Pearce (121)
5 HCS SCS SB 1247 - Byrd (94)

SENATE BILLS FOR THIRD READING

1 HCS SCS SB 754 - Luetkemeyer (115)
2 SB 932, HA 3 and HS, as amended, pending - Wilson (130)

3 HCS SCS SBs 1020, 889 & 869, (Budget 4-19-04) - Goodman (132)
4 SCS SB 1040, HCA 1, E.C. - Townley (112)
5 HCS SCS SBs 1144, 919 & 874, E.C. - Schlottach (111)
6 SS SS SCS SB 715 - Johnson (47)
7 HCS SS SCS SB 968 and SCS SB 969, E.C. - Baker (123)
8 HCS SCS SB 1038, (Budget 4-26-04) - Luetkemeyer (115)
9 HCS SCS SB 1365 - Jackson (89)
10 HCS SB 870 - Pearce (121)
11 SB 966 - Mayer (159)
12 HCS SS SB 1000 - Mayer (159)
13 HCS SS SS SCS SB 1371 - Threlkeld (109)
14 SB 920 - Cooper (155)
15 HCS SS SCS SB 960 - Cooper (120)
16 SCS SB 1062 - Johnson (47)
17 SCS SB 1155 - Dempsey (18)
18 HCS SS SCS SB 1279, (Budget 4-29-04) - Schaaf (28)
19 SCS SB 1045 - Haywood (71)
20 HCS SCS#2 SB 762, E.C. - Hanaway (87)
21 SS SCS SBs 1233, 840 & 1043 - Schlottach (111)
22 HCS SCS SB 1269 - Dempsey (18)

HOUSE BILLS WITH SENATE AMENDMENTS

1 SCS HB 1071, 801, 1275 & 989, E.C. - Goodman (132)
2 SCS HB 938, E.C. - Luetkemeyer (115)
3 SCS HS HCS HB 1290 - Portwood (92)
4 SCS HB 822 - Luetkemeyer (115)
5 SCS HCS HB 1321 - Schaaf (28)
6 SCS HCS HB 1456 and HB 824 - Black (161)
7 SCS HCS HB 1136 - Rupp (13)

BILL CARRYING REQUEST MESSAGE

SCS HCS HB 1305, as amended (request Senate recede/grant conference) - Byrd (94)

BILLS IN CONFERENCE

1 CCR#2 HCS SB 739, as amended - Myers (160)
2 CCR SCS HS HCS HB 1002, as amended - Bearden (16)
3 CCR SCS HS HCS HB 1003 - Bearden (16)
4 CCR SCS HS HCS HB 1004 - Bearden (16)
5 CCR SCS HS HCS HB 1005, as amended - Bearden (16)
6 SCS HS HCS HB 1006 - Bearden (16)
7 CCR SCS HS HCS HB 1007, as amended - Bearden (16)
8 SCS HS HCS HB 1008 - Bearden (16)

9 CCR SCS HS HCS HB 1009 - Bearden (16)
10 CCR SCS HS HCS HB 1010, as amended - Bearden (16)
11 SCS HS HCS HB 1011, as amended - Bearden (16)
12 CCR SCS HS HCS HB 1012, as amended - Bearden (16)
13 SS SCS HCS HB 795, 972, 1128 & 1161, as amended, E.C. - Johnson (47)

VETOED HOUSE BILLS

1 HCR 5 - Byrd (94)
2 CCS SS#2 SS SCS HS HCS HB 1304 - Byrd (94)