

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY—WEDNESDAY, APRIL 5, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will put my law within them, and I will write it on their hearts, and I will be their God, and they shall be my people.”
(Jeremiah 31:33b)

Almighty God, we pray this day for that time when Your law will be within the hearts of Your people and all will live by Your law. But in this in-between time we ask that the laws we pass, although not perfect as Yours, may be helpful and wholesome for the people of this state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2608, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Anderson Piercy, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2609, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Day, which was adopted.

Senator Purgason offered Senate Resolution No. 2610, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gayle Broyles, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2611, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Pete Marshall,

Prescott, Arizona, which was adopted.

Senator Purgason offered Senate Resolution No. 2612, regarding the Eighty-first Birthday of Janey Kathryn Robinson Light, Lebanon, which was adopted.

Senator Clemens offered Senate Resolution No. 2613, regarding Leroy Blunt, Marshfield, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2614

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Lounge and the Senate Chamber for the purposes of its Youth in Government program on November 30, 2006 through December 2, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2614** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2614** was adopted.

Senators Bray and Dougherty offered the following resolution:

SENATE RESOLUTION NO. 2615

WHEREAS, worldwide exposure to chemical pesticides brings about greater harm than most people realize; and

WHEREAS, more than 3 billion kilograms of pesticides are spread on the earth annually, exposing both human and wildlife populations to chemicals, with potentially serious repercussions for

life everywhere; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer, neurological diseases, endocrine disorders, and birth defects have been associated with exposure to common pesticides; and

WHEREAS, pregnant women, children, asthmatics, cancer patients, elderly, and other immune compromised people and migratory birds are all highly vulnerable to toxic effects of chemical pesticides; and

WHEREAS, more than 40 years ago, the well-known writer, scientist, and ecologist Rachel Carson alerted America and the world to the potential hazards of pesticides in her landmark book, "Silent Spring." Despite the warning, the quantity of pesticides used in our country has continued to grow over the years and poses a potential threat to all life forms:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, hereby designate May 27, 2006, as Rachel Carson Day in Missouri in honor of her prophetic work and urge the citizens of Missouri to focus their attention on the potentially serious hazards associated with chemical pesticides; and

BE IT FURTHER RESOLVED that members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, encourage citizens throughout Missouri to observe this day, the birth date of Rachel Carson, by refraining from using chemical pesticides on this day and ask the citizens of Missouri for their cooperation in seeking alternative methods of pest management; and

BE IT FURTHER RESOLVED that the secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the House of Representatives and the Governor of Missouri.

Senator Champion offered Senate Resolution No. 2616, regarding Scott Bailes, which was adopted.

Senator Champion offered Senate Resolution No. 2617, regarding Dr. David Stair, which was adopted.

Senator Champion offered Senate Resolution No. 2618, regarding Tom Mast, which was adopted.

Senator Champion offered Senate Resolution No. 2619, regarding Larry S. Hazelrigg, which was

adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 596**; **SS** for **SCS** for **SB 892**; and **SB 643**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 882**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 882**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 882

An Act to amend chapter 319, RSMo, by adding thereto fifteen new sections relating to blasting and excavation, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SB 882** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 882**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 882

An Act to amend chapter 319, RSMo, by adding thereto fifteen new sections relating to blasting and excavation, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SB 882** be adopted.

Senator Crowell assumed the Chair.

Senator Barnitz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 882, Page 11, Section 319.306, Line 23, by striking the word, "December 31, 1995" and inserting in lieu thereof the following:

"December 31, 2000".

Senator Barnitz moved that the above amendment be adopted.

Senator Shields announced that members of the Gasconade, Reynolds and Iron Counties Sheriffs Department had been given permission to enter the Chamber with sidearms.

SA 1 was again taken up.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 37, Section 319.339, Line 11 of said page, by inserting immediately after "319.339" the following: "**, unless such ordinance, order, permit, or regulation, in effect as of August 28, 2006 shall exclusively regulate the use of explosives at the site of a quarry. For purposes of this section, quarry shall include any place where rock, ore, stone, or similar materials are excavated for sale or off-premise use. A quarry shall not include the removal or relocation of rock, stone, or earth incidental to the construction of residential, commercial, or industrial buildings**".

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2** was withdrawn.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882,

Page 37, Section 319.339, Line 11, by inserting immediately after the word “319.339” the following:

“, unless such ordinance, order, permit, or regulation, in effect as of April 5, 2006, shall exclusively regulate the use of explosives at the site of a quarry in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants. For purposes of this section, quarry shall include any place where rock, ore, stone, or similar materials are excavated for sale or off-premise use. A quarry shall not include the removal or relocation of rock, stone, or earth incidental to the construction of residential, commercial, or industrial buildings”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 37, Section 319.339, Line 13, by inserting immediately after all of said line the following:

“Section 1. 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 sections 319.300 to 319.339, RSMo, 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 or annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006,

shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 882, Page 11, Section 319.306, Line 24, by inserting immediately before the word “experience” the following:

“training or education pertaining to blasting and”

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 882**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 882**, as amended, was declared perfected and ordered printed.

SB 1072 was placed on the Informal Calendar.

SB 642 was placed on the Informal Calendar.

SB 841, with **SCS**, was placed on the Informal Calendar.

SB 895, with **SCS**, was placed on the Informal Calendar.

SB 1081, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 912**, with **SCS**, was placed on the Informal Calendar.

SJR 31 was placed on the Informal Calendar.

At the request of Senator Shields, **SB 1049**, with **SCS**, was placed on the Informal Calendar.

SB 1041, with **SCS**, was placed on the Informal Calendar.

SB 1058 was placed on the Informal Calendar.

SB 969, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1103** was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 788**, with **SCS**, was placed on the Informal Calendar.

SB 1188 was placed on the Informal Calendar.

SB 1236, with **SCS**, was placed on the Informal Calendar.

SB 904, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Alter, **SB 1102** was placed on the Informal Calendar.

At the request of Senator Klindt, **SB 924**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 874** was placed on the Informal Calendar.

At the request of Senator Vogel, **SB 913**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 1229**, with **SCS**, was placed on the Informal Calendar.

SB 567 and **SB 792**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mayer, **SB 770** was placed on the Informal Calendar.

SB 1023 was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1222**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 1038** was placed on the Informal Calendar.

SB 862, with **SCS**, was placed on the Informal Calendar.

SB 736, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goodman, **SB 1114**, with **SCS**, was placed on the Informal Calendar.

SB 1239 and **SB 1091**, with **SCS**, were placed on the Informal Calendar.

Senator Engler moved that **SB 953**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Koster assumed the Chair.

SCS for **SB 953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of title insurance, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Engler moved that **SCS** for **SB 953** be adopted.

Senator Engler offered **SS** for **SCS** for **SB 953**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 953

An Act to repeal sections 374.046, 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof forty-four new sections relating to the regulation of title insurance, with penalty provisions and an effective date for certain sections.

Senator Engler moved that **SS** for **SCS** for **SB 953** be adopted.

Senator Goodman assumed the Chair.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Pages 20-21, Section 381.005, of said page, by striking said section from the bill; and

Further amend said bill, Page 21, Section

381.008, Lines 6 to 9 of said page, by striking said section from the bill; and

Further amend said bill, Page 22, Section 381.009, Line 17 of said page, by striking: “nonmanagement” and inserting in lieu thereof the following: “**non-management**”; and

Further amend said bill and section, Page 24, Line 19 of said page by inserting after “(17)” the following: “**Premium**”, **the charge that is made by a title insurer directly or through a title agent or title agency for the issuance of a title insurance policy or a closing or settlement protection letter that the title insurer is required to issue under this chapter and shall be limited only to title insurers' reasonable overhead and reasonable miscellaneous expenses and other amounts necessary to cover expected losses and loss adjustment expense from underwriting the risk associated with the issuance of such title policy and any such closing or settlement protection letter but shall exclude:**

(a) **Any commission to be retained by or payable to any title agent or title agency;**

(b) **An amount equal to any such commission when a title agent or title agency is not involved in the issuance of a title insurance policy;**

(c) **Overhead and miscellaneous expenses and profit margin incurred by or belonging to the title agent or title agency;**

(d) **Any other costs and expenses incurred by a title agent or title agency; and**

(e) **Any charges or fees for related title services;**

(18)”; and

Further amend said section, page 25, line 3 of said page, by striking “(18)” and inserting in lieu thereof the following: “**(19)**”; and further amend line 6 of said page, by inserting after all of said line the following:

“(20) **“Related title services”**, services performed by a title insurer, title agency or title agent including, but not limited to, preparing or obtaining an abstract, title search, or title examination, examining title, examining searches of the records of a Uniform Commercial Code filing office and such other information as may be necessary or appropriate, preparing documents necessary to close the transaction, conducting the closing, or handling the escrow, settlement, and disbursing of funds related to the closing in a real estate closing transaction in which a title insurance commitment or policy is to be issued, issuance of closing or settlement protection letters other than those required to be issued by a title insurer under this chapter, provision of or any endorsement or special coverage; and noninsurance-related information services, or any other items or services not specified in this chapter;”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 31, Section 381.019, Line 23 of said page, by inserting after “fees;” the following: **“and”**; and further amend line 24 of said page, by striking said line; and further amend line 25 of said page, by striking: **“(5)”** and inserting in lieu thereof the following: **“(4)”**; and

Further amend said bill, Page 38, Section 381.028, Line 28 of said page, by inserting after “director” the following: **“and except for rebates, discounts, abatement, credit or reduction, favors, advantages, consideration, or inducements relative to fees and charges for related title services or other fees and charges not comprising the premium”**; and

Further amend said bill and section, Page 39, Line 15 of said page, by inserting after “section.” the following: **“Provided, however, nothing in this section shall prevent or prohibit or be deemed or construed to prevent or prohibit a**

title insurer from negotiating with a title agency or title agent the amount of any commission to be retained by or paid by the title insurer to the title agency or title agent or other fees and charges not comprising the premium or to prevent or prohibit or be deemed or construed to prevent or prohibit a title insurer, title agency, title agent or employee or representative thereof from rebating to the insured all or any portion of any commission or otherwise to prevent or prohibit or be deemed or construed to prevent a title insurer, title agency, title agent or employee or representative from negotiating the charges and fees payable by an insured for related title services or which do not comprise the premium.”; and

Further amend said bill, Page 42, Section 381.033, Line 11 of said page, by striking the word “that” and inserting in lieu thereof the following: **“if such premium”**; and

Further amend said bill, Page 48, Section 381.058, Line 3 of said page, by inserting after the word “protection” the following: **“letter”**; and further amend line 4 of said page, by inserting after “interest” the following: **“as a related title service”**; and further amend said line by inserting after “protection” the following: **“letter”**; and further amend lines 14-18 of said page, by striking said lines and inserting in lieu thereof the following:

“(2) The charge for issuance of the closing or settlement protection letter required to be issued under subsection 3 of this section shall be filed as a rate with the director under section 381.032.”; and

Further amend said bill, Page 114, Section B, Line 32, by inserting after “381.161,” the following: **“381.171,”**; and

Further amend said section, page 115, line 3 of said page, by inserting after “381.028,” the following: **“381.032,”**; and

Further amend said bill, Page 115, Section C, Lines 10 to 12 of said page, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Shields announced that members of the Clay County Sheriff's Department had been given permission to enter the Chamber with sidearms.

SA 1 was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Engler, **SB 953**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 4—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **HCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 1037**; **SB 780**; and **SS** for **SB 696** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate

was called to order by Senator Crowell.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 953**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Page 4, Section 374.046, Line 12, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 18 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 11, Section 374.047, Line 20 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 12, Section 374.048, Line 12 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 17 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill and section, Page 14, Line 14 of said page, by inserting after the word "chapter" the following: ", **except sections 374.700 to 374.789**"; and

Further amend said bill, Page 15, Section 374.049, Line 5 of said page, by inserting after the word "chapter" as it appears first on said line the following: ", **except sections 374.700 to 374.789**"; and further amend line 17 of said page, by inserting after the word "chapter" as it appears first

on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill and section, Page 16, Line 10 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill and section, Page 17, Line 4 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend said bill, Pages 18 to 19, Section 374.051, by striking all of said section from the bill; and

Further amend said bill, Page 19, Section 374.055, Line 25 of said page, by inserting after the word “chapter” as it appears first on said line the following: “, **except sections 374.700 to 374.789**”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 953, Page 24, Section 381.009, Line 2 of said page, by inserting after all of said line the following:

“(14) “Marketable title”, when an original title to land has emanated from the government, and all persons who appear in the chain of title to have had any interest in the record title during the last forty-five years have conveyed to the last record owner or persons through whom he or she derives title, and it is established by affidavits or other instruments recorded and included in the chain or title that he or she and persons through whom he or she derives title

have been in continuous, open, exclusive, and peaceable possession of the land for the last twenty-seven years;”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Engler moved that **SS** for **SCS** for **SB 953**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SB 953**, as amended, was declared perfected and ordered printed.

Senator Koster moved that **SB 1210**, **SB 1244** and **SB 844**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1210**, **1244** and **844**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1210, 1244 and 844**

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof seven new sections relating to Medicaid fraud, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **SBs 1210**, **1244** and **844** be adopted.

Senator Koster offered **SS** for **SCS** for **SBs 1210**, **1244** and **844**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1210, 1244 and 844**

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof seven new sections relating to Medicaid fraud, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SBs 1210**, **1244** and **844** be adopted.

At the request of Senator Koster, **SB 1210**, **SB 1244** and **SB 844**, with **SCS** and **SS** for **SCS**

(pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 589**; **SB 689**; **SCS** for **SB 646**; **SCS** for **SB 690**; **SS** for **SCS** for **SB 825**; **SB 901**; and **SS** for **SCS** for **SB 718**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SB 589** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 832**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Shields assumed the Chair.

SA 1 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Pages 1-8, Section 99.805, by striking all of said section and inserting in lieu thereof the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of [defective or inadequate

street layout,] unsanitary 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] a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. **The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or is considered an economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of “high unemployment”. For purposes of this section, the term “high unemployment” shall mean unemployment in the proposed redevelopment area of at least two times that of the metropolitan statistical area in which the area is located or, two times the unemployment rate of non-metropolitan counties if the area is not located in a metropolitan statistical area; and**

(b) **The property is one with “low fiscal capacity”. For purposes of this section, the term “low fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than fifty percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous three reassessment periods; and**

(c) **The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by low income. For purposes of this section, the term “low income” shall mean**

either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination of blight shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding of blight. Such findings shall be reviewed de novo by a court of competent jurisdiction, at the request of any owner of property deemed blighted;

(2) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) "Conservation area", [any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards;

abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997] **any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an effective age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area by reason of the predominance of unsanitary or unsafe conditions, deterioration of site improvements, 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 a social liability or a menace to the public health, safety, morals, or welfare in its present condition and use. The fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue, or is considered an economic liability, or that the land is economically underutilized shall not be a valid factor in declaring an area a conservation area. In addition to such determinations, the applicable property shall support findings that the property satisfies the following criteria:**

(a) **The property is located in an area of "moderate unemployment". For purposes of this section, the term "moderate unemployment" shall mean unemployment in the proposed redevelopment area of at least one and one-half times that of the metropolitan statistical area in which the area is located or, one and one-half times the unemployment rate of non-metropolitan counties if the area is not**

located in a metropolitan statistical area; and

(b) The property is one with “reduced fiscal capacity”. For purposes of this section, the term “reduced fiscal capacity” shall mean per capita assessed valuation of property in the municipality of less than seventy percent of the entire county in which it is located, or, if when adjusted for inflation, the cumulative assessed value for such applicable property or properties has not increased in the previous two reassessment periods; and

(c) The municipality, census block group or groups, as defined in the most recent decennial census, containing the redevelopment area are characterized by reduced income. For purposes of this section, the term “reduced income” shall mean either a Missouri municipality within a metropolitan statistical area which has a population of a least one thousand five hundred and median household income of under eighty-five percent of the median household income for the metropolitan statistical area, according to the last decennial census, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least one thousand five hundred, and each block group having a median household income of under eighty-five percent of the median household income for the metropolitan area in Missouri, according to the last decennial census.

The determination that an area is a conservation area shall be considered a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law consistent with this section, displaying clear and convincing evidence for the sufficiency of such finding. Such findings of fact shall be reviewed de novo, by a court of competent jurisdiction, at the request of any owner of property deemed a conservation area;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) [“Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

[(6)] (6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

[(7)] (6) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (7) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (8) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (9) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation

financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] (10) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, [an economic development area,] an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] (11) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, [economic development area,] or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] (12) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] (13) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and

specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, [legal,] marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, [demolition of buildings,] and the clearing and grading of land;

(d) [Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

[(g)] (e) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

[(h)] (f) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

[(i)] (g) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or

state law;

[(j)] (h) Payments in lieu of taxes;

Legal fees incurred during a redevelopment project shall not constitute redevelopment project costs and the party incurring such costs shall be responsible for payment;

[(15)] (14) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] (15) "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] (16) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

[(18)] (17) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings."; and

Further amend said bill, pages 8-10, section 99.810, by striking all of said section and inserting in lieu thereof the following:

"99.810. 1. Each redevelopment plan shall set forth in writing a general description of the program to be undertaken to accomplish the objectives and shall include, but need not be limited to, the estimated redevelopment project costs, the anticipated sources of funds to pay the costs, evidence of the commitments to finance the project costs, the anticipated type and term of the sources of funds to pay costs, the anticipated type and terms of the obligations to be issued, the most recent equalized assessed valuation of the property within the redevelopment area which is to be

subjected to payments in lieu of taxes and economic activity taxes pursuant to section 99.845, an estimate as to the equalized assessed valuation after redevelopment, and the general land uses to apply in the redevelopment area. No redevelopment plan shall be adopted by a municipality without findings that:

(1) The redevelopment area on the whole is a blighted area[,] **or** a conservation area, [or an economic development area,] and has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of tax increment financing. Such a finding shall include, but not be limited to, a detailed description of the factors that qualify the redevelopment area or project pursuant to this subdivision and an affidavit, signed by the developer or developers and submitted with the redevelopment plan, attesting that the provisions of this subdivision have been met;

(2) The redevelopment plan conforms to the comprehensive plan for the development of the municipality as a whole;

(3) The estimated dates, which shall not be more than twenty-three years from the adoption of the ordinance approving a redevelopment project within a redevelopment area, of completion of any redevelopment project and retirement of obligations incurred to finance redevelopment project costs have been stated, provided that no ordinance approving a redevelopment project shall be adopted later than ten years from the adoption of the ordinance approving the redevelopment plan under which such project is authorized and provided that no property for a redevelopment project shall be acquired by eminent domain later than five years from the adoption of the ordinance approving such redevelopment project;

(4) A plan has been developed for relocation assistance for businesses and residences;

(5) A cost-benefit analysis showing the

economic impact of the plan on each taxing district which is at least partially within the boundaries of the redevelopment area. The analysis shall show the impact on the economy if the project is not built, and is built pursuant to the redevelopment plan under consideration. The cost-benefit analysis shall include a fiscal impact study on every affected political subdivision, and sufficient information from the developer for the commission established in section 99.820 to evaluate whether the project as proposed is financially feasible;

(6) A finding that the plan does not include the initial development or redevelopment of any gambling establishment, provided however, that this subdivision shall be applicable only to a redevelopment plan adopted for a redevelopment area designated by ordinance after December 23, 1997.

2. By the last day of February each year, each commission shall report to the director of economic development the name, address, phone number and primary line of business of any business which relocates to the district. The director of the department of economic development shall compile and report the same to the governor, the speaker of the house and the president pro tempore of the senate on the last day of April each year.”; and

Further amend said bill, pages 10-18, section 99.820, by striking all of said section from the bill; and

Further amend said bill, pages 18-22, section 99.825, by striking all of said section and inserting in lieu thereof the following:

“99.825. 1. Prior to the adoption of an ordinance proposing the designation of a redevelopment area, or approving a redevelopment plan or redevelopment project, the commission shall fix a time and place for a public hearing and notify each taxing district located wholly or partially within the boundaries of the proposed redevelopment area, plan or project. At the public

hearing any interested person or affected taxing district may file with the commission written objections to, or comments on, and may be heard orally in respect to, any issues embodied in the notice. The commission shall hear and consider all protests, objections, comments and other evidence presented at the hearing. The hearing may be continued to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the subsequent hearing. Prior to the conclusion of the hearing, changes may be made in the redevelopment plan, redevelopment project, or redevelopment area, provided that each affected taxing district is given written notice of such changes at least seven days prior to the conclusion of the hearing. After the public hearing but prior to the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a redevelopment area, changes may be made to the redevelopment plan, redevelopment projects or redevelopment areas without a further hearing, if such changes do not enlarge the exterior boundaries of the redevelopment area or areas, and do not substantially affect the general land uses established in the redevelopment plan or substantially change the nature of the redevelopment projects, provided that notice of such changes shall be given by mail to each affected taxing district and by publication in a newspaper of general circulation in the area of the proposed redevelopment not less than ten days prior to the adoption of the changes by ordinance. **An ordinance providing for a tax increment finance project for residential development or redevelopment shall not be approved unless unanimous consent for such project is granted by the members of the tax increment finance commission representing the interest of the school boards whose districts are included within the redevelopment plan or redevelopment area.** After the adoption of an ordinance approving a redevelopment plan or redevelopment project, or designating a

redevelopment area, no ordinance shall be adopted altering the exterior boundaries, affecting the general land uses established pursuant to the redevelopment plan or changing the nature of the redevelopment project without complying with the procedures provided in this section pertaining to the initial approval of a redevelopment plan or redevelopment project and designation of a redevelopment area. Hearings with regard to a redevelopment project, redevelopment area, or redevelopment plan may be held simultaneously.

2. Tax incremental financing projects within [an economic development] **a blighted area or conservation area** shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.”; and

Further amend said bill, pages 22-23, section 99.827, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 99.841, by striking all of said section from the bill; and

Further amend said bill, pages 25-40, section 99.845, by striking all of said section from the bill; and

Further amend said bill, pages 40-41, section 99.847, by striking all of said section from the bill; and

Further amend said bill, pages 41-45, section 99.865, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Crowell assumed the Chair.

Senator Green requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Barnitz, Bray, Callahan and Coleman.

Senator Green offered **SSA 1** for **SA 2**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 1, Section 99.805, Lines 9-16, by striking all of said lines; and further amend said section, page 2, line 1 by striking all of said line and inserting in lieu thereof the following:

“(1) “Blighted area”, any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(a) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of four or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the improved part of the redevelopment project area:

a. Dilapidation. “Dilapidation” means an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed;

b. Obsolescence. “Obsolescence” means the condition or process of falling into disuse; structures have become ill-suited for the original use;

c. Deterioration. “Deterioration” means with respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas show deterioration, including but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces;

d. Presence of structures below minimum code standards. “Presence of structures below minimum code standards” means all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes;

e. Illegal use of individual structures. “Illegal use of individual structures” means the use of structures in violation of applicable federal, state, or local laws, exclusive of those applicable to the presence of structures below minimum code standards;

f. Excessive vacancies. “Excessive vacancies” means the presence of buildings that are unoccupied or under-used and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies;

g. Lack of ventilation, light, or sanitary facilities. “Lack of ventilation, light, or sanitary facilities” means the absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate

sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building;

h. Inadequate utilities. “Inadequate utilities” means underground and overhead utilities such as storm sewers, storm drainage, sanitary sewers, waterlines, gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are:

(i) Of insufficient capacity to serve the uses in the redevelopment project area;

(ii) Deteriorated, antiquated, obsolete, or in disrepair; or

(iii) Lacking within the redevelopment project area;

i. Excessive land coverage and overcrowding of structures and community facilities. “Excessive land coverage and overcrowding of structures and community facilities” means the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are:

(i) The presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety; and

(ii) The presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings; increased threat of spread of fire due to the close proximity of buildings; lack of adequate or proper access to a public

right-of-way; lack of reasonably required off-street parking; or inadequate provision for loading and service;

j. Deleterious land use or layout. “Deleterious land use or layout” means the existence of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area;

k. Environmental clean-up. “Environmental clean-up” means the proposed redevelopment project area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency (EPA) remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

l. Lack of community planning. “Lack of community planning” means the proposed redevelopment project area was developed before or without the benefit or guidance of a community plan, or before the adoption by the municipality of a comprehensive or other community plan or the plan was not followed at the time of the area's development. This factor shall be documented by evidence of adverse or incompatible land use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning;

m. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years

before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;

(b) If vacant, the growth of the redevelopment project area is impaired by a combination of two or more of the following factors, each of which is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the real property tax increment allocation redevelopment act and reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

a. Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities;

b. Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development;

c. Tax and special assessment delinquencies exist or the property has been the subject of tax sales under Missouri property tax laws within the last five years;

d. Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land;

e. The area has incurred division of environmental quality of the department of natural resources or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by state or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area;

f. The total equalized assessed value of the proposed redevelopment project area has declined for two of the last five calendar years before the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for two of the last five calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or its successor agency for two of the last five calendar years before the year in which the redevelopment project area is designated;”.

Senator Green moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Barnitz, Callahan and Days.

SSA 1 for SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Days	Dougherty
Engler	Graham	Green	Gross
Kennedy	Scott—10		

NAYS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Coleman	Crowell
Gibbons	Goodman	Griesheimer	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Vogel	Wheeler	Wilson—23	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

SA 2 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 832, Page 6, Section 99.805, Line 20, by inserting immediately after the word “applicable.” the following:

“Legal fees incurred as a result of a redevelopment project or plan shall not constitute redevelopment project costs, and the party incurring such costs shall be responsible for payment.”; and

Further amend said bill, section and page, line 24 by striking the word “legal,”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 832**, with **SCS, SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2620, regarding Dorn Schuffman, which was adopted.

Senator Gross offered Senate Resolution No. 2621, regarding Vince Schneider, which was adopted.

Senator Gross offered Senate Resolution No. 2622, regarding the St. Charles City-County Library District, which was adopted.

Senator Gross offered Senate Resolution No. 2623, regarding Denise Liebel, which was adopted.

Senator Gross offered Senate Resolution No. 2624, regarding Ameristar Casino, which was adopted.

Senator Gross offered Senate Resolution No. 2625, regarding Behavioral Health Response, which was adopted.

Senator Gross offered Senate Resolution No. 2626, regarding Laura Heebner, which was adopted.

Senator Gross offered Senate Resolution No. 2627, regarding the Honorable Michael R. Gibbons, which was adopted.

Senator Gross offered Senate Resolution No. 2628, regarding Denise Gould, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2629, regarding Scheer Sales and Service, New Haven, which was adopted.

Senator Nodler offered Senate Resolution No. 2630, regarding David W. Gibson, Webb City, which was adopted.

Senator Dougherty offered Senate Resolution No. 2631, regarding the Missouri House of Representatives freshman class of 1978, which was adopted.

Senator Engler offered Senate Resolution No. 2632, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Don Berlin Santhuff, Centerville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Kim Drury and forty-eight fourth grade students

from St. Peter School, Kirkwood; and Brendan Doyle, Annie Madden, Joe Mueller and Julia Wilcutt were made honorary pages.

Senator Kennedy introduced to the Senate, Julie Murphy and Tom McCoy, St. Louis County.

Senator Engler introduced to the Senate, Sheriff Greg Melton, Gasconade County; and Sheriff Clint Reeves, Shannon County.

Senator Goodman introduced to the Senate, NAIA Coach of the Year, Steven Shepherd; NAIA Champions, the College of the Ozarks Men's Basketball Team; and NAIA second runner-up, the College of the Ozarks Women's Basketball Team.

Senator Coleman introduced to the Senate, State Youth of the Year Winner, Abbie McLaughlin and staff and volunteers from the Boys and Girls Clubs from across the state.

Senator Coleman introduced to the Senate, Theresa Loveless and Kathy Dabrowski, St. Louis; Alicia Rollins, Hannibal; Libby Mobley and Cindy Weber, Dexter; Tina Stillwell and Anne Soots, Springfield; Pam Henrickson, Roberta Henson and Constance Bearnes, Jefferson City; Duana Dralus and Karen McGuigan, Kansas City; Debbie Zabica, St. Joseph; and Jean Bollinger and Denise Stewart, Cape Girardeau, representatives of Missouri Girl Scout Councils.

Senator Barnitz introduced to the Senate, Mark Corio, Columbia; Beau White and Turner Oliver, Macon; and Jennifer R. Stewart, Imperial.

Senator Griesheimer introduced to the Senate, fifty-five fourth grade students from Twin Oaks Christian School, Wildwood.

Senator Days introduced to the Senate, Sydney Cross, St. Louis.

Senator Wilson introduced to the Senate, Jan Wickenhauser, Alton, Illinois.

Senator Engler introduced to the Senate, Sheriff Gary Barton, Reynolds County; and Sheriff

Allen Mathis, Iron County.

Senator Alter introduced to the Senate, fifth and sixth grade students from Christian Outreach School, Hillsboro.

Senator Graham introduced to the Senate, Addie Shoults, Columbia.

Senator Kennedy introduced to the Senate, Mark Finegar and Kacie Moser, St. Louis.

Senator Loudon introduced to the Senate, Susan Low and fourteen seventh grade students from Solomon Schechter Day School, Creve Coeur.

Senator Gross introduced to the Senate, County Executive Joe Ortwerth, St. Charles.

Senator Gibbons introduced to the Senate, one hundred twenty fourth grade students from North Glendale Elementary School.

Senator Gibbons introduced to the Senate, Josh, Matt, Iesha, Kim, Asha, Kristin, Caroline, Laura, Maggie, Rachel, Katie, Jennifer, Christine and Kristin, Youth in Government students from around Missouri.

Senator Griesheimer introduced to the Senate, Almeda Pisarsky and Katie Walker, Washington; Christina Barker, Bourbon; and Cynthia Taylor, New Haven.

Senator Engler introduced to the Senate, Lana Jilkerson, Teri Douglas, Jesse Williams and twenty-six nursing students from Mineral Area College, Park Hills.

Senator Scott introduced to the Senate, his step-brother, Marley McLerran, Lowry City; and Tom Killebrew, El Dorado Springs.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gerald Moritz, M.D., Bridgeton.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

 FIFTIETH DAY—THURSDAY, APRIL 6, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SJR 43-Crowell, et al

HOUSE BILLS ON SECOND READING

HCS for HB 1099	HB 1411-Smith (150), et al
HB 1144-May, et al	HB 1488-Roorda, et al
HCS for HB 1149	HCS for HB 1552
HB 1477-Schaaf	HB 1623-St. Onge, et al
HB 1504-Yates	HB 1653-Walton
HB 1577-Pollock, et al	HCS for HB 1679
HCS for HBs 1617 & 1374	HCS#2 for HB 1703
HCS for HB 1739	HB 1707-Dusenberg, et al
HCS for HB 1762	HCS for HB 1710
HB 1858-Lipke	HCS for HB 1711
HB 1988-Wagner, et al	HCS for HB 1746
HCS for HB 1053	HCS for HB 1787
HB 1088-Schaaf, et al	HB 1936-Tilley
HCS for HB 1135	HCS for HB 1511
HCS for HBs 1382 & 1158	

THIRD READING OF SENATE BILLS

- | | |
|---|---|
| 1. SS for SCS for SBs 613, 1030 & 899-Engler | 11. SS for SCS for SB 892-Scott |
| 2. SB 1037-Mayer (In Fiscal Oversight) | 12. SB 643-Scott |
| 3. SCS for SB 1064-Stouffer | 13. SB 589-Bartle (In Fiscal Oversight) |
| 4. SS for SCS for SB 894-Nodler | 14. SB 689-Scott |
| 5. SCS for SRB 848-Bartle | 15. SCS for SB 646-Griesheimer |
| 6. SB 780-Klindt (In Fiscal Oversight) | 16. SCS for SB 690-Champion |
| 7. SCS for SB 798-Nodler | 17. SS for SCS for SB 825-Koster |
| 8. SS for SB 696-Nodler (In Fiscal Oversight) | 18. SB 901-Shields |
| 9. SS for SB 1066-Klindt | 19. SS for SCS for SB 718-Crowell |
| 10. SS for SB 596-Days | |

SENATE BILLS FOR PERFECTION

SB 961-Ridgeway, with SCS

SB 1027-Mayer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with SCS

SBs 567 & 792-Dougherty, et al, with SCS

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with SCS &
SA 3 (pending)

SB 642-Scott

SBs 665 & 757-Engler, with SCS &
SA 1 (pending)

SB 736-Crowell and Cauthorn, with SCS

SB 770-Mayer and Crowell

SB 788-Klindt, with SCS

SB 816-Griesheimer and Coleman, with SCS
& SS#2 for SCS (pending)

SB 817-Scott, et al

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS, SS for SCS
& SA 3 (pending)

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6 &
SA 1 to SA 6 (pending)

SB 862-Engler, with SCS

SB 874-Shields, et al

SB 895-Engler, with SCS

SB 904-Griesheimer, with SCS

SB 912-Goodman, et al, with SCS

SB 913-Vogel, with SCS

SB 924-Klindt, with SCS

SB 969-Stouffer, with SCS

SB 976-Gibbons, with SCS

SBs 1014 & 730-Scott and Gibbons, with
SCS, SS for SCS, SA 1 & SSA 3 for
SA 1 (pending)

SB 1023-Gibbons, et al

SBs 1031 & 846-Klindt, with SCS

SB 1038-Mayer

SB 1041-Gibbons, with SCS

SB 1049-Shields, with SCS

SB 1058-Loudon

SB 1072-Loudon

SB 1081-Clemens, with SCS

SB 1102-Alter

SB 1103-Goodman

SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS

SB 1188-Gibbons

SBs 1210, 1244 & 844-Koster, et al, with
SCS & SS for SCS (pending)

SB 1222-Goodman, with SCS

SB 1229-Champion, et al, with SCS

SB 1236-Engler, with SCS

SBs 1239 & 1091-Gibbons, with SCS

SJR 26-Ridgeway and Graham

SJR 31-Ridgeway and Shields

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

HB 1157-Cooper (120), et al (Scott)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

SCR 28-Days

SCR 29-Graham

SCR 32-Days

SCR 31-Purgason, et al

SR 2363-Gross

To be Referred

SR 2615-Bray and Dougherty

MISCELLANEOUS

REMONSTRANCE 1-Gross

