

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY—WEDNESDAY, APRIL 22, 2009

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Therefore, since it is by God’s mercy that we are engaged in this ministry, we do not lose heart.” (2 Corinthians 4:1)

Strengthening Lord, we know that at times we get impatient and frustrated when things are not going the way we would want them to; but You have called us to serve here and we seek to do what You require of us. Help us find common ground and to do what is truly helpful for the people we serve and show compassion and patience for each other. 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

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

HOUSE BILLS ON THIRD READING

Senator Ridgeway moved that **HCS** for **HB 397** and **HCS** for **HB 947**, with **SCS**, be called from the Consent Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 397** and **HCS** for **HB 947** was again taken up.

Senator Ridgeway moved that **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS** for **HB 397** and **HCS** for **HB 947** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Clemens Green—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HB 376, with **SCS**, introduced by Representative Hobbs, et al, entitled:

An Act to repeal sections 50.660 and 50.783, RSMo, and to enact in lieu thereof two new sections relating to competitive bid requirements.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HB 376**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 376**

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.140, 55.190, 59.319, 65.610, 67.280, 67.402, 67.410, 67.1360, 67.1361, 67.2000, 79.450, 94.400, 94.902, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 231.444, 247.031, 320.121, 650.396, and 650.399, RSMo, and to enact in lieu thereof sixty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain

section.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 376** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 376**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 376

An Act to repeal sections 48.030, 49.310, 50.660, 50.783, 52.290, 52.312, 52.361, 52.370, 54.010, 55.030, 55.140, 55.190, 59.319, 65.610, 67.110, 67.280, 67.402, 67.410, 67.1000, 67.1360, 67.1361, 67.2000, 71.285, 94.400, 94.902, 137.073, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.150, 140.160, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, 140.420, 141.160, 165.071, 204.569, 221.105, 231.444, 247.031, 650.396, and 650.399, RSMo, and to enact in lieu thereof seventy-one new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain sections.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376** be adopted.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 73, Section 94.1011, Line 1 of said page, by inserting immediately after said line the following:

“105.145. 1. The following definitions shall be applied to the terms used in this section:

(1) “Governing body”, the board, body, or persons in which the powers of a political subdivision as a body corporate, or otherwise, are vested;

(2) “Political subdivision”, any agency or unit of this state, except counties and school districts, which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

2. The governing body of each political subdivision in the state shall cause to be prepared an annual report of the financial transactions of the political subdivision in such summary form as the state auditor shall prescribe by rule, except that the annual report of political subdivisions whose cash receipts for the reporting period are ten thousand dollars or less shall only be required to contain the cash balance at the beginning of the reporting period, a summary of cash receipts, a summary of cash disbursements and the cash balance at the end of the reporting period.

3. Within such time following the end of the fiscal year as the state auditor shall prescribe by rule, the governing body of each political subdivision shall cause a copy of the annual financial report to be remitted to the state auditor.

4. The state auditor shall immediately on receipt of each financial report acknowledge the receipt of the report.

5. In any fiscal year no member of the governing body of any political subdivision of the state shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the political subdivision is required to be filed with the state auditor and until such time as the

notice from the state auditor of the filing of the annual financial report for the fiscal year has been received.

6. The state auditor shall prepare sample forms for financial reports and shall mail the same to the political subdivisions of the state. Failure of the auditor to supply such forms shall not in any way excuse any person from the performance of any duty imposed by this section.

7. All reports or financial statements hereinabove mentioned shall be considered to be public records.

8. The provisions of this section apply to the board of directors of every transportation development district organized under sections 238.200 to 238.275, RSMo. Any transportation development district that fails to timely submit a copy of the annual financial statement to the state auditor shall be subject to a fine not to exceed five hundred dollars per day.”; and

Further amend said bill, Page 132, Section 233.104, Line 7 of said page, by inserting immediately after said line the following:

“238.207. 1. Whenever the creation of a district is desired, not less than fifty registered voters from each county partially or totally within the proposed district may file a petition requesting the creation of a district. However, if no persons eligible to be registered voters reside within the district, the owners of record of all of the real property, except public streets, located within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of any county partially or totally within the proposed district.

2. Alternatively, the governing body of any local transportation authority within any county in which a proposed project may be located may file a petition in the circuit court of that county, requesting the creation of a district.

3. The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties; provided:

(1) Property separated only by public streets, easements or rights-of-way shall be considered contiguous;

(2) In the case of a district formed pursuant to a petition filed by the owners of record of all of the real property located within the proposed district, the proposed district area need not contain contiguous properties if:

(a) The petition provides that the only funding method for project costs will be a sales tax;

(b) The court finds that all of the real property located within the proposed district will benefit by the projects to be undertaken by the district; and

(c) Each parcel within the district is within five miles of every other parcel; and

(3) In the case of a district created pursuant to subsection 5 of this section, property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

4. The petition shall set forth:

(1) The name, voting residence and county of residence of each individual petitioner, or, if no persons eligible to be registered voters reside within the proposed district, the name and address of each owner of record of real property located within the proposed district, or shall recite that the petitioner is the governing body of a local transportation authority acting in its official capacity;

(2) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

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

(4) A general description of each project proposed to be undertaken by that district, including a description of the approximate location of each project;

(5) The estimated project costs and the anticipated revenues to be collected from the project;

(6) The name of the proposed district;

(7) The number of members of the board of directors of the proposed district, which shall be not less than five or more than fifteen;

(8) A statement that the terms of office of initial board members shall be staggered in approximately equal numbers to expire in one, two or three years;

(9) If the petition was filed by registered voters or by a governing body, a request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop a specified project or projects;

(10) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the funding proposal be submitted to the qualified voters within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; [and]

(11) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable; **and**

(12) Details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services and estimated interest charges.

5. (1) As an alternative to the methods described in subsections 1 and 2 of this section, if two or more local transportation authorities have adopted resolutions calling for the joint establishment of a district, the governing body of any one such local transportation authority may file a petition in the circuit court of any county in which the proposed project is located requesting the creation of a district; or, if not less than fifty registered voters from each of two or more counties sign a petition calling for the joint establishment of a district for the purpose of developing a project that lies in whole or in part within those same counties, the petition may be filed in the circuit court of any of those counties in which not less than fifty registered voters have signed the petition.

(2) The proposed district area shall be contiguous and may contain all or any portion of one or more municipalities and counties. Property separated only by public streets, easements, or rights-of-way or connected by a single public street, easement, or right-of-way shall be considered contiguous.

(3) The petition shall set forth:

(a) That the petitioner is the governing body of a local transportation authority acting in its official capacity; or, if the petition was filed by obtaining the signatures of not less than fifty registered voters in

each of two or more counties, it shall set forth the name, voting residence, and county of residence of each individual petitioner;

(b) The name of each local transportation authority within the proposed district. The resolution of the governing body of each local transportation authority calling for the joint establishment of the district shall be attached to the petition;

(c) The name and address of each respondent. Respondents must include the commission and each affected local transportation authority within the proposed district, except a petitioning local transportation authority;

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

(e) A general description of each project proposed to be undertaken by the district, including a description of the approximate location of each project;

(f) The name of the proposed district;

(g) The number of members of the board of directors of the proposed district;

(h) A request that the question be submitted to the qualified voters within the limits of the proposed district whether they will establish a transportation development district to develop the projects described in the petition;

(I) A proposal for funding the district initially, pursuant to the authority granted in sections 238.200 to 238.275, together with a request that the imposition of the funding proposal be submitted to the qualified voters residing within the limits of the proposed district; provided, however, the funding method of special assessments may also be approved as provided in subsection 1 of section 238.230; and

(j) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable.

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

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

Notice is hereby given to all persons residing or owning property in (here specifically describe the proposed district boundaries), within the state of Missouri, that a petition has been filed asking that upon voter approval, a transportation development district by the name of “..... Transportation Development District” be formed for the purpose of developing the following transportation project: (here summarize the proposed transportation project or projects). The petition also requests voter approval of the following method(s) of funding the district, which (may) (shall not) increase the total taxes imposed within the proposed district: (describe the proposed funding methods). A copy of this petition is on file and available at the office of the clerk of the circuit court of County, located at, Missouri. You are notified to join in or file your own petition supporting or answer opposing the creation of the

transportation development district and requesting a declaratory judgment, as required by law, no later than the day of, 20.. . You may show cause, if any there be, why such petition is defective or proposed transportation development district or its funding method, as set forth in the petition, is illegal or unconstitutional and should not be submitted for voter approval at a general, primary or special election as directed by this court.

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

2. The circuit court may also order a public hearing on the question of the creation and funding of the proposed district, if it deems such appropriate, under such terms and conditions as it deems appropriate. **The circuit court shall order at least one public hearing on the creation and funding of the proposed district, if the petition for creating such district was filed by the owners of record of all real property within the proposed district.** If a public hearing is ordered, notice of the time, date and place of the hearing shall also be given in the notice specified in subsection 1 of this section.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES

NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation

development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the month following adoption of the tax by the qualified voters.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the [transportation development district] **director of revenue** shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, **and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section.** The tax

imposed pursuant to this section **and the taxes imposed pursuant to all other laws of the state of Missouri** shall be collected **together** and reported upon such forms and [under] **pursuant to** such administrative rules and regulations as may be prescribed by the [transportation development district] **director of revenue**.

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

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

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

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

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

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

5. All sales taxes [collected] **received** by the transportation development district shall be deposited by the [transportation development district] **director of revenue** in a special fund to be expended for the purposes authorized in this section. The [transportation development district] **director of revenue** shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

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

(2) Whenever the board of directors of any transportation development district in which a transportation

development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 92, Section 137.1040, Line 27, by inserting after all of said line the following:

“138.431. 1. To hear and decide appeals pursuant to section 138.430, the commission shall appoint one or more hearing officers. The hearing officers shall be subject to supervision by the commission. No person shall participate on behalf of the commission in any case in which such person is an interested party.

2. The commission may assign such appeals as it deems fit to a hearing officer for disposition.

(1) The assignment shall be deemed made when the scheduling order is first issued by the commission and signed by the hearing officer assigned, unless another hearing officer is assigned to the case for disposition by other language in said order.

(2) A change of hearing officer, or a reservation of the appeal for disposition as described in subsection 3 of this section, shall be ordered by the commission in any appeal upon the timely filing of a written application by a party to disqualify the hearing officer assigned. The application shall be filed within thirty days from the assignment of any appeal to a hearing officer and need not allege or prove any cause for such change and need not be verified. No more than one change of hearing officer shall be allowed for each party in any appeal.

3. The commission may, in its discretion, reserve such appeals as it deems fit to be heard and decided by the full commission, a quorum thereof, or any commissioner, subject to the provisions of section 138.240, and, in such case, the decision shall be final, subject to judicial review in the manner provided in subsection 4 of section 138.470.

[3.] 4. The manner in which appeals shall be presented and the conduct of hearings shall be made in accordance with rules prescribed by the commission for determining the rights of the parties; provided that, the commission, with the consent of all the parties, may refer an appeal to mediation. The commission shall promulgate regulations for mediation pursuant to this section. No regulation or portion of a regulation

promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. There shall be no presumption that the assessor's valuation is correct. A full and complete record shall be kept of all proceedings. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

[4.] **5.** Unless an appeal is voluntarily dismissed, a hearing officer, after affording the parties reasonable opportunity for fair hearing, shall issue a decision and order affirming, modifying, or reversing the determination of the board of equalization, and correcting any assessment which is unlawful, unfair, improper, arbitrary, or capricious. The commission may, prior to the decision being rendered, transfer to another hearing officer the proceedings on an appeal determination before a hearing officer. The complainant, respondent-assessor, or other party shall be duly notified of a hearing officer's decision and order, together with findings of fact and conclusions of law. Appeals from decisions of hearing officers shall be made pursuant to section 138.432.

[5.] **6.** All decisions issued pursuant to this section or section 138.432 by the commission or any of its duly assigned hearing officers shall be issued no later than sixty days after the hearing on the matter to be decided is held or the date on which the last party involved in such matter files his or her brief, whichever event later occurs.”; and

Further amend the title and enacting clause accordingly.

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

Senator Pearce offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 65, Section 94.400, Line 21 of said page, by inserting after all of said line the following:

“94.900. 1. The governing body of any city of the third classification with more than ten thousand eight hundred but less than ten thousand nine hundred inhabitants located at least partly within a county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any city of the fourth classification with more than eight thousand nine hundred but fewer than nine thousand inhabitants, **or any city of the fourth classification with more than two thousand six hundred but fewer than two thousand seven hundred inhabitants and located in any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants** is hereby authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one percent on all retail sales made in such city which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city, at a county or state general, primary or special election, a proposal to authorize the governing body of the city to impose a tax.

2. If the proposal submitted involves only authorization to impose the tax authorized by this section, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (city's name) impose a citywide sales tax of (insert amount) for the purpose of improving the public safety of the city?

YES

NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this subsection, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a proposal receives less than the required majority, then the governing body of the city shall have no power to impose the sales tax herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters voting thereon. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section.

3. All revenue received by a city from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for improving the public safety for such city for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for improving the public safety for the city. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city funds.

5. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the “City Public Safety Sales Tax Trust Fund”. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director of the department of revenue shall keep accurate records of the amount of money in the trust and which was collected in each city imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director of the department of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied the tax; such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

6. The director of the department of revenue may make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the department of revenue of the action at least ninety days prior to the effective date of the repeal and

the director of the department of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director of the department of revenue shall remit the balance in the account to the city and close the account of that city. The director of the department of revenue shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Engler assumed the Chair.

Senator Schaefer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting immediately after said line the following:

“64.170. 1. For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county commission in all counties of the first and second classification, as provided by law, is for this purpose empowered, subject to the provisions of subsections 2 and 3 of this section, to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation, plumbing or drain laying therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

2. Any county which has not adopted a building code prior to August 28, 2001, pursuant to sections 64.170 to 64.200, shall not have the authority to adopt a building code pursuant to such sections unless the authority is approved by voters, subject to the provisions of subsection 3 of this section. The ballot of submission for authority pursuant to this subsection shall be in substantially the following form:

“Shall (insert name of county) have authority to create, adopt and impose a county building code?”

YES

NO

3. The proposal of the authority to adopt a building code shall be voted on only by voters in the area affected by the proposed code, such that a code affecting a county shall not be voted upon by citizens of any incorporated territory.

4. For the purpose of promoting the public safety, health and general welfare, to protect life and property, and to prevent the occupancy of fire hazardous buildings, the county commission of any county of the first classification with more than one hundred thirty-five thousand four hundred but

fewer than one hundred thirty-five thousand five hundred inhabitants, as provided by law, is for this purpose empowered to adopt, by order or ordinance, regulations to control the minimum standards for occupancy of any residential unit intended for rent or lease, and to develop a program for licensing and inspecting the units for which the county may recover costs to administer such a program by establishing reasonable fees.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schaefer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 15, Section 55.190, Line 5 of said page, by inserting immediately after said line the following:

“56.700. 1. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

2. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ an assistant county counselor or circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The assistant authorized by this subsection shall be in addition to any other assistants authorized by law. The assistant county counselor or circuit attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

3. The prosecuting attorney in each county of the second, third or fourth class which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state treasury from funds appropriated for that purpose.

4. The county counselor or circuit attorney in each county of the first class with a charter form of government containing part of a city with a population of over four hundred fifty thousand and in each city not within a county may employ additional investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor or circuit attorney relating to mental health and mental health facilities. The investigative and clerical personnel authorized by this subsection shall be in addition to any

other personnel authorized by law. The compensation for such additional investigative and clerical personnel, not to exceed a total of fifteen thousand dollars annually for each eligible county or city not within a county, shall be paid out of the state treasury from funds appropriated for that purpose.

5. In each county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, the county counselor shall receive the sum of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose for the duties relating to mental health and mental health facilities and, in addition, shall receive an additional sum not to exceed a total of fifteen thousand dollars annually from funds appropriated for that purpose for investigative and clerical personnel to assist in carrying out the duties of the office of the county counselor relating to mental health and mental health facilities. Such sums shall be in the form of a reimbursement to county general revenue funds.”; and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 4, Section 49.310, Line 28 of said page, by inserting after all of said line the following:

“49.705. In any county of the third classification without a township form of government and with more than nine thousand six hundred fifty but fewer than nine thousand seven hundred fifty inhabitants, any person or entity, holding an outdoor concert, shall be required to receive approval from the county commission prior to holding such outdoor concert. Any person or entity that violates this section by holding an outdoor concert without prior approval from the county commission shall be assessed a civil fine of up to five thousand dollars. Such violation shall be prosecuted by the prosecuting attorney in the circuit court of the county where the violation occurred.”; and

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 2, Section A, Line 8, by inserting immediately after said line the following:

“48.020. 1. All counties of this state are hereby classified, for the purpose of establishing organization and powers in accordance with the provisions of section 8, article VI, Constitution of Missouri, into four classifications determined as follows:

Classification 1. All counties having an assessed valuation of [six] seven hundred fifty million dollars and over shall automatically be in the first classification after that county has maintained such valuation for the time period required by section 48.030; however, any county of the second classification which, on August 13, 1988, has had an assessed valuation of at least four hundred million dollars for at least one year may, by resolution of the governing body of the county, elect to be classified as a county of the first

classification after it has maintained such valuation for the period of time required by the provisions of section 48.030.

Classification 2. All counties having an assessed valuation of [four] **six** hundred [fifty] million dollars and less than the assessed valuation necessary for that county to be in the first classification shall automatically be in the second classification after that county has maintained such valuation for the time period required by section 48.030.

Classification 3. All counties having an assessed valuation of less than the assessed valuation necessary for that county to be in the second classification shall automatically be in the third classification.

Classification 4. All counties which have attained the second classification prior to August 13, 1988, and which would otherwise return to the third classification after August 13, 1988, because of changes in assessed valuation shall remain a county in the second classification and shall operate under the laws of this state applying to the second classification.

2. The required assessed valuation for each classification under subsection 1 of this section shall be increased by an amount equal to any percentage increase in the consumer price index.”; and

Further amend the title and enacting clause accordingly.

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

Senator Justus offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 16, Section 59.319, Lines 24-28, by striking all of said lines and inserting in lieu thereof the following:

“instrument. Two dollars of the additional fee collected under this subsection shall be credited to the Missouri housing trust fund and one dollar shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records.”; and

Further amend said section, page 17, lines 1-6 by striking all of said lines; and further amend said page, lines 7-9 by striking said lines and inserting in lieu thereof the following:

“(2) The one dollar of the additional three dollars authorized under this subsection which shall be deposited in the state general revenue fund and credited to the account used by the secretary of state for additional preservation of local records shall automatically sunset three years after the effective date of this subsection.”.

Senator Justus moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 1, Section 59.319, Line 16, by striking the words “three years” and inserting in lieu thereof the following:

“one year”.

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

SA 8, as amended, was again taken up.

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

Senator Bray offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 62, Section 71.285, Line 4, by inserting after all of said line the following:

“77.110. The council shall publish a full and detailed statement of the receipts and expenditures and indebtedness of the city at the end of each fiscal year and six months after the end of each fiscal year in a newspaper of general circulation in the city. Each such statement shall be for the six-month period preceding the date of the statement. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**”; and

Further amend said bill, Page 62, Section 77.300, Line 13 of said page, by inserting after all of said line the following:

“79.160. The board of aldermen shall semiannually each year, at times to be set by the board of aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the city for the half year ending with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the city. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the city web site and posting the statement for a period of at least six months on the web site. In addition, the city shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the city may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the city.**

80.120. The chairman of the board shall cause to be printed and published the bylaws and ordinances of the board, for the information of the inhabitants, and cause the same to be carried into effect. He shall remain in office for the term for which he is appointed or elected as a trustee; but in case of his absence at any meeting of the board, the board may appoint a chairman pro tempore, and in case he shall die, resign, be removed from office or remove from the town, the board of trustees shall appoint one of their number chairman, who shall hold the office for the unexpired term. **This publication requirement may also be met by posting a prominent link to the statement on the front page of the village web site and posting the statement for a period of at least six months on the web site. In addition, the village shall display a printed notice at city hall where other public notices are displayed informing citizens of the web site address where the financial statements are posted. If no web site is available, the village may also meet the requirements of this section by sending the financial statement in writing or by email to residents in the village.**”; and

Further amend said bill, Page 73, Section 94.1011, Line 1 of said page, by inserting after all of said line the following:

“115.127. 1. Except as provided in subsection 4 of this section, upon receipt of notice of a special election to fill a vacancy submitted pursuant to section 115.125, the election authority shall cause legal notice of the special election to be published in a newspaper of general circulation in its jurisdiction. The notice shall include the name of the officer or agency calling the election, the date and time of the election, the name of the office to be filled and the date by which candidates must be selected or filed for the office. Within one week prior to each special election to fill a vacancy held in its jurisdiction, the election authority shall cause legal notice of the election to be published in two newspapers of different political faith and general circulation in the jurisdiction. The legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot. If there is only one newspaper of general circulation in the jurisdiction, the notice shall be published in the newspaper within one week prior to the election. If there are two or more newspapers of general circulation in the jurisdiction, but no two of opposite political faith, the notice shall be published in any two of the newspapers within one week prior to the election.

2. Except as provided in subsections 1 and 4 of this section and in sections 115.521, 115.549 and 115.593, the election authority shall cause legal notice of each election held in its jurisdiction to be published. The notice shall be published in two newspapers of different political faith and qualified pursuant to chapter 493, RSMo, which are published within the bounds of the area holding the election. If there is only one so qualified newspaper, then notice shall be published in only one newspaper. If there is no newspaper published within the bounds of the election area, then the notice shall be published in two qualified newspapers of different political faith serving the area. Notice shall be published twice, the first publication occurring in the second week prior to the election, and the second publication occurring within one week prior to the election. Each such legal notice shall include the date and time of the election, the name of the officer or agency calling the election and a sample ballot; and, unless notice has been given as provided by section 115.129, the second publication of notice of the election shall include the location of polling places. The election authority may provide any additional notice of the election it deems desirable.

3. The election authority shall print the official ballot as the same appears on the sample ballot, and no candidate's name or ballot issue which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate or by court order.

4. In lieu of causing legal notice to be published in accordance with any of the provisions of this chapter, the election authority in jurisdictions which have less than seven hundred fifty registered voters and in which no newspaper qualified pursuant to chapter 493, RSMo, is published, may cause legal notice to be mailed during the second week prior to the election, by first class mail, to each registered voter at the voter's voting address. All such legal notices shall include the date and time of the election, the location of the polling place, the name of the officer or agency calling the election and a sample ballot.

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the sixteenth Tuesday prior to the election, except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election. If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not

required by law or charter, the closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The political subdivision or special district calling an election shall, before the sixteenth Tuesday, or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city, prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district **or by publishing such notification on the web site of the political subdivision or special district, if one exists, and printing the information in the newsletter sent to the residents of the political subdivision or special district, if one exists.**

6. Except as provided for in sections 115.247 and 115.359, if there is no additional cost for the printing or reprinting of ballots or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed for an office or who has been duly nominated for an office may, at any time after the certification required in section 115.125 but no later than 5:00 p.m. on the sixth Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the circuit court of the area of such candidate's residence.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 136, Section 311.489, Line 20 of said page, by striking the following the following: “approval by the city” and inserting in lieu thereof the following: “**obtaining the approvals as described in this section**”; and further amend line 25 of said page, by inserting after “located in” the following: “**a community improvement district in**”; and

Further amend said bill and section, Page 137, Line 7 of said page, by inserting after “proposed” the following: “**festival**”; and further amend line 10 of said page, by striking the following: “containing basic information”; and further amend line 21 of said page, by inserting after “festivals” the following: “**which shall be provided at the sole expense of the promotional association**”; and further amend line 28 of said page, by inserting after “shall” the following: “**notify all property owners in the proposed district and within five hundred feet of such district’s boundaries. The city shall hold a**”; and

Further amend said bill and section, Page 138, Line 1 of said page, by inserting after “hearing” the following: “**at least thirty days after providing such notice**”; and further amend line 2 of said page, by striking the following: “If the plan is approved,” and inserting in lieu thereof the following: “**The city shall not approve any plan unless the promotional association has obtained written approval from at least fifty percent of the property owners within the district and within one hundred eighty-five feet of its borders. If the written approvals required under this section are obtained and the city approves the plan,**”; and further amend line 5 of said page, by inserting after “1:00 a.m.” the following: “**In addition, for no more than ten twenty-four hour periods in a year,**”; and further amend line 24 of said page, by inserting after “event” the following: “**that serves liquor**”.

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

Senator Stouffer assumed the Chair.

Senator Engler assumed the Chair.

At the request of Senator Griesheimer, **HB 376**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 620** and **671**, entitled:

An Act to repeal sections 313.010, 313.015, 313.040, 313.045, 313.050, 313.055, and 313.057, RSMo, and to enact in lieu thereof six new sections relating to bingo, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Engler, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Lager.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 918, regarding Adam Ray Henson, which was adopted.

Senator Pearce offered Senate Resolution No. 919, regarding Darrell D. Witt, Warrensburg, which was adopted.

Senator Bartle offered Senate Resolution No. 920, regarding Brian Campbell, which was adopted.

Senator Bartle offered Senate Resolution No. 921, regarding Aaron Bailey, which was adopted.

Senator Bartle offered Senate Resolution No. 922, regarding Stacy James, which was adopted.

Senator Bartle offered Senate Resolution No. 923, regarding Lisa Cohen, which was adopted.

Senator Bartle offered Senate Resolution No. 924, regarding Barbara Noble, which was adopted.

Senator Bartle offered Senate Resolution No. 925, regarding Susan Diekman, which was adopted.

Senator Bartle offered Senate Resolution No. 926, regarding Susanne Mitko, which was adopted.

Senator Bartle offered Senate Resolution No. 927, regarding Tricia Lillygren, which was adopted.

Senator Bartle offered Senate Resolution No. 928, regarding Nancy Kremeier, which was adopted.

Senator Bartle offered Senate Resolution No. 929, regarding Karen Gallick, which was adopted.

Senator Bartle offered Senate Resolution No. 930, regarding Susan Faulkenberry, which was adopted.

Senator Bartle offered Senate Resolution No. 931, regarding Brenda Dumler, which was adopted.

Senator Vogel offered Senate Resolution No. 932, regarding Connie Murray, Jefferson City, which was

adopted.

Senator Vogel offered Senate Resolution No. 933, regarding Tony Powell, Nathan Rutherford and the Pennies for Patients project, Fulton Academy, which was adopted.

Senator Vogel offered Senate Resolution No. 934, regarding students from the Jefferson City Academic Center and the Pillowcase Project, which was adopted.

HOUSE BILLS ON THIRD READING

HB 171, with **SCS**, introduced by Representative Cox, et al, entitled:

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

Was called from the Consent Calendar and taken up by Senator Stouffer.

SCS for **HB 171**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 171**

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to payment of rent when a leased residence is destroyed.

Was taken up.

Senator Stouffer moved that **SCS** for **HB 171** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HB 171** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Bray Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HCS for **HB 272**, with **SCS**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force.

Was called from the Consent Calendar and taken up by Senator Days.

SCS for **HCS** for **HB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 272

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the Alzheimer's state plan task force, with an expiration date.

Was taken up.

Senator Days moved that **SCS** for **HCS** for **HB 272** be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **HCS** for **HB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Scott Wright-Jones—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HCS for **HB 237**, **HB 238**, introduced by Representative Jones (89), et al, and **HB 482**, introduced by Representative Jones (89), et al, with **SCS**, entitled respectively:

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of summons.

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual judicial reports.

An Act to repeal section 479.260, RSMo, and to enact in lieu thereof one new section relating to the use

of municipal court fees.

Were called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HCS** for **HB 237**, **HB 238** and **HB 482**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 237
and
HOUSE BILL NO. 238
and
HOUSE BILL NO. 482

An Act to repeal sections 477.600, 479.260, 488.429, and 517.041, RSMo, and to enact in lieu thereof four new sections relating to courts.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 237**, **HB 238** and **HB 482** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HB 866, with **SCS**, introduced by Representative Wells, et al, entitled:

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against licensed professionals by sexual violent predators.

Was called from the Consent Calendar and taken up by Senator Lembke.

SCS for **HB 866**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 866

An Act to repeal sections 334.098 and 337.649, RSMo, and to enact in lieu thereof two new sections relating to complaints against certain licensed professionals.

Was taken up.

Senator Lembke moved that **SCS** for **HB 866** be adopted, which motion prevailed.

On motion of Senator Lembke, **SCS** for **HB 866** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Wilson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lembke, title to the bill was agreed to.

Senator Lembke moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HCS for **HBs 836** and **753**, with **SCS**, entitled:

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

Was called from the Consent Calendar and taken up by Senator Justus.

SCS for **HCS** for **HBs 836** and **753**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 836 and 753

An Act to repeal section 534.030, RSMo, and to enact in lieu thereof one new section relating to notice that a foreclosure sale has occurred.

Was taken up.

Senator Justus moved that **SCS** for **HCS** for **HBs 836** and **753** be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

On motion of Senator Justus, **SCS** for **HCS** for **HBs 836** and **753** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Justus, title to the bill was agreed to.

Senator Justus moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HB 867, with **SCS**, introduced by Representative Guest, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Lager.

SCS for **HB 867**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 867

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up.

Senator Lager moved that **SCS** for **HB 867** be adopted, which motion prevailed.

On motion of Senator Lager, **SCS** for **HB 867** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Lager, title to the bill was agreed to.

Senator Lager moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

HCS for **HB 667**, with **SCS**, entitled:

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

Was called from the Consent Calendar and taken up by Senator Goodman.

SCS for **HCS** for **HB 667**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 667

An Act to repeal section 57.010, RSMo, and to enact in lieu thereof one new section relating to qualifications of sheriffs.

Was taken up.

Senator Goodman moved that **SCS** for **HCS** for **HB 667** be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **HCS** for **HB 667** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp
Schaefer	Schmitt	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel
Wilson	Wright-Jones—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Goodman, title to the bill was agreed to.

Senator Goodman moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **HB 376**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 376**, as amended, was again taken up.

Senator Griesheimer offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 144, Section 1, Line 8, by deleting “496.050, RSMo” and inserting in lieu thereof “493.050, RSMo”.

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

Senator Engler offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 101, Section 140.150, Lines 21-26 of said page, by striking all of said lines and inserting in lieu thereof the following: **“by first class mail. A second notice shall be sent by certified mail only if the assessed property valuation is one thousand dollars or greater. If the assessed valuation of the property is less than one thousand dollars, only the first notice shall be required. The postage for the mailing of the notices shall be paid”**; and

Further amend said bill, Page 103, Section 140.160, Line 15 of said page, by inserting after all of said line the following:

“140.170. 1. Except for lands described in subsection 7 of this section, the county collector shall cause a copy of the list of delinquent lands and lots to be printed in some newspaper of general circulation published in the county, for three consecutive weeks, one insertion weekly, before the sale, the last insertion to be at least fifteen days prior to the fourth Monday in August.

2. In addition to the names of all record owners or the names of all owners appearing on the land tax book it is only necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated.

3. To the list shall be attached and in like manner printed and published a notice of said lands and lots stating that said land and lots will be sold at public auction to discharge the taxes, penalty, interest, and costs due thereon at the time of sale in or adjacent to the courthouse of such county, on the fourth Monday in August next thereafter, commencing at ten o'clock of said day and continuing from day to day thereafter until all are offered.

4. The county collector, on or before the day of sale, shall insert at the foot of the list on his record a copy of the notice and certify on his record immediately following the notice the name of the newspaper of the county in which the notice was printed and published and the dates of insertions thereof in the newspaper.

5. The expense of such printing shall be paid out of the county treasury and shall not exceed the rate

provided for in chapter 493, RSMo, relating to legal publications, notices and advertisements, and the cost of printing at the rate paid by the county shall be taxed as part of the costs of the sale of any land or lot contained in the list.

6. The county collector shall cause the affidavit of the printer, editor or publisher of the newspaper in which the list of delinquent lands and notice of sale was published, as provided by section 493.060, RSMo, with the list and notice attached, to be recorded in the office of the recorder of deeds of the county, and the recorder shall not charge or receive any fees for recording the same.

7. The county collector may have a separate list of such lands, without legal descriptions or the names of the record owners, printed in a newspaper of general circulation published in such county for three consecutive weeks before the sale of such lands for a parcel or lot of land that:

(1) Has an assessed value of [five hundred] **one thousand** dollars or less and has been advertised previously; or

(2) Is a lot in a development of twenty or more lots and such lot has an assessed value of [five hundred] **one thousand** dollars or less.

The notice shall state that legal descriptions and the names of the record owners of such lands shall be posted at any county courthouse within the county and the office of the county collector.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 143, Section 650.399, Line 27, by inserting after all of said line the following:

“10. There is hereby specifically exempted from the sales tax imposed under this section all sales of food, as the term “food” is defined in section 144.014, RSMo.”.

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

Senator Purgason offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 34, Section 67.1000, Line 28, by inserting after all of said line the following:

“67.1177. 1. The board, by a majority vote, may submit to the residents of such district a tax of not less than two percent and not more than six percent on the amount of sales or charges for all sleeping rooms offered to the public and paid by the transient guests of hotels, motels and resorts situated within the district. Upon the written request of the board to the election officials of the county in which the district is situated, such election officials shall submit a proposition to the residents of such district at a countywide or statewide primary or general election, or at a special election called for that purpose. Such election officials shall give legal notice as provided in chapter 115, RSMo. As used in this section, the term “hotels, motels and resorts” includes any condominium offered to the public which is rented to a person or entity for a period of less than thirty-one days, any privately owned campground offered to the public which rents space to persons or entities for a period of less than thirty-one days, and also includes any rental of a houseboat

originating from a point within the district and which is offered to the public. The term “hotels, motels and resorts” shall not include any facilities operated by a recognized church and its affiliates for the purpose of providing religious education and recreation to the church's members. As used in this section, the term “transient guest” means a person who occupies a room or rooms in a hotel, motel or resort for thirty-one days or less during any calendar quarter.

2. Such proposition shall be submitted to the voters of the business district in substantially the following form at such election:

Shall a lodging tax of percent on the amount of sales or charges for all lodging paid by the transient guests of hotels, motels and resorts be levied in the lake area business district of the county of to provide funds for the promotion of tourism in the district?

YES

NO

3. In the event that a majority of the voters voting on such proposition in such district approve such proposition, then such tax shall be in full force and effect as of the first day of the calendar quarter following the calendar quarter in which the election was held. The results of an election held under this section shall be certified by the election officials of the county to the board not more than thirty days after the day on which such election was held. The district shall be liable for its share of the costs of the election pursuant to section 115.065, RSMo.

4. In the event a tax is imposed under this section, such tax shall be in addition to any countywide gross receipts tax on hotels, motels or resorts in effect at the time of the election or imposed after the date of the election. If a tax is imposed under the provisions of this section, the county may collect a penalty of one percent and interest not to exceed two percent per month on unpaid taxes which shall be considered delinquent thirty days after the last day of each quarter.

5. The revenues received from the tax authorized in this section shall be used by the advisory board for advertising and promotion of tourism. Such advertising and promotional activities shall be developed into a comprehensive marketing plan, so as to meet the needs of all sizes and types of businesses within the lodging industry. The board members of each lodging category, as described in subsection 1 of section 67.1175, shall have sole authority for the expenditure of funds collected from that category, and tourism-related projects that may be identified as beneficial to any of the three lodging categories established in subsection 1 of section 67.1175 shall be eligible for funding, based on the proportionate share of revenues collected from that category. This shall include, but not be limited to, attending sports and travel shows, printing a vacation guide, soliciting convention business, constructing or purchasing convention facilities and visitor centers, and securing commercial air service into the area, which may include the subsidizing of airline seats. Moneys may also be expended by the board to contract with other entities to assist in bringing tourists to the district.

6. (1) On and after the effective date of any tax authorized under the provisions of this section, the advisory board shall enter into an agreement with the county collector of the county where the district is situated for the purpose of collecting the tax. The tax to be collected by the county collector shall be remitted to the advisory board of the district not later than thirty days following the end of any calendar quarter. The county commission shall adopt rules and regulations for the collection and administration of the tax. The county collector shall retain on behalf of the county two percent for cost of collection.

(2) On or after August 28, 2009, the board shall enter into an agreement with the director of the department of revenue for the purpose of collecting any tax authorized under this section that accrues

on or after August 28, 2009, or any later date specified in the agreement. The director shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The tax shall be collected and reported upon such forms and under such administrative rules as may be prescribed by the director, and the director shall retain not less than one percent nor more than three percent for the cost of collection. Any agreement entered into under this subdivision shall supersede any prior agreement entered into under subdivision (1) of this subsection.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 9, Section 52.290, Line 26 of said page, by inserting immediately after “2008,” the following: “**any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants,**”; and

Further amend said bill and section, page 10, line 14 of said page, by inserting immediately after “3.” the following: “**In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the collector shall collect on behalf of the county and pay into the county general revenue fund a fee for the collection of delinquent and back taxes of:**

(1) Two percent on all sums collected, in the first year of such delinquency, from the party paying the tax;

(2) Four percent on all sums collected, in the second year of such delinquency, from the party paying the tax; and

(3) Seven percent on all sums collected, in the third year of such delinquency, from the party paying the tax.

4.”; and

Further amend said bill, page 118, section 141.160, line 3, by striking the word “six hundred thousand” and inserting in lieu thereof the following: “**one million**”.

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

Senator Shields offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Pages 23-26, Section 67.402, by striking all of said section and inserting in lieu thereof the following:

“67.402. 1. The governing body of **the following counties may enact nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] fewer than one hundred thirty-five thousand five hundred inhabitants[.];

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less]

fewer than seventy-one thousand four hundred inhabitants[, and];

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

(5) **Any county of the third classification without a township form of government and with more than sixteen thousand four hundred but fewer than sixteen thousand five hundred inhabitants.**

2. The governing body of any county described in subsection 1 of this section may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, **tires, storm water runoff conditions resulting in damage to buildings or infrastructure**, or overgrown or noxious weeds in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

[2.] **3.** Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

[3.] **4.** Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the

nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.”

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

Senator Goodman assumed the Chair.

Senator Crowell assumed the Chair.

Senator Lager offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 17, Section 59.319, Line 17 of said page, by inserting after all of said line the following:

“60.670. 1. As used in this section, the following terms shall mean:

(1) **“Cadastral parcel mapping”, an accurately delineated identification of all real property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the position of the legal framework is derived from the USPLSS, existing tax maps, and tax database legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats.**

(2) **“Digital cadastral parcel mapping”, encompasses the concepts of automated mapping, graphic display and output, data analysis, and data base management as pertains to cadastral parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data, people, organizations, and institutional arrangements for collecting, storing, analyzing, and disseminating information about the location and areas of parcels and the USPLSS;**

(3) **“USPLSS” or “United States public land survey system”, a survey executed under the authority of the United States government as recorded on the official plats and field notes of the United States public land survey maintained by the land survey program of the department of natural resources;**

(4) **“Tax map”, a document or map for taxation purposes representing the location, dimensions, and other relevant information pertaining to a parcel of land subject to property taxes.**

2. The office of the land surveyor established within the department of natural resources shall promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. 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, 2009, shall be invalid and void.

3. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system shall comply with the rules promulgated under this section, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map have already agreed to the terms of their contract on the effective date of the rules promulgation.”; and

Further amend said bill, Page 139, Section 311.489, Line 13 of said page, by inserting after all of said line the following:

“327.272. 1. **A professional land surveyor shall include** any person who practices in Missouri as a professional land surveyor who uses the title of “surveyor” alone or in combination with any other word or words including, but not limited to “registered”, “professional” or “land” indicating or implying that the person is, or holds himself or herself out to be a professional land surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or implies that the person is a professional land surveyor or is willing or able to practice professional land surveying or who renders or offers to render, or holds himself or herself out as willing or able to render, or perform any service or work, the adequate performance of which involves the special knowledge and application of the principles of **land surveying**, mathematics, the related physical and applied sciences, and the relevant requirements of law, all of which are acquired by education, training, experience and examination, that affect real property rights on, under or above the land and which service or work involves:

(1) The **determination, location, relocation, establishment, reestablishment, layout, or retracing of land boundaries and positions of the United States Public Land Survey System;**

(2) Monumentation of land boundaries, land boundary corners and corners of the United States Public Land Survey System;

(3) The subdivision of land into smaller tracts;

(4) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities in subdivisions (1) to (3) of this subsection;

(5) Consultation, investigation, evaluation, planning, design and execution of surveys;

[(5)] (6) The preparation of any drawings showing the shape, location, dimensions or area of tracts of land;

[(6)] (7) Monumentation of geodetic control and the determination of their horizontal and vertical positions;

[(7)] (8) Establishment of state plane coordinates;

[(8)] (9) Topographic surveys and the determination of the horizontal and vertical location of any physical features on, under or above the land;

[(9)] (10) The preparation of plats, maps or other drawings showing elevations and the locations of improvements and the measurement and preparation of drawings showing existing improvements after construction;

[(10)] (11) Layout of proposed improvements;

[(11)] (12) The determination of azimuths by astronomic observations.

2. None of the specific duties listed in subdivisions (4) to [(11)] (12) of subsection 1 of this section are

exclusive to professional land surveyors unless they affect real property rights. For the purposes of this section, the term “real property rights” means a recordable interest in real estate as it affects the location of land boundary lines.

3. Nothing in this section shall be construed to preclude the practice of architecture or professional engineering as provided in sections 327.091 and 327.181.

4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Lager offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 376, Page 75, Section 137.073, Lines 17-18, by striking all of the underlined words on said lines; and

Further amend lines 20-28 by striking all of the underlined words on said lines; and

Further amend page 76, lines 1-2 by striking all of said lines and inserting in lieu thereof the following:

“**For the 2009 tax year, any**”; and further amend lines 9-24 by striking all of the underlined words and inserting in lieu thereof the following:

“**approved tax rate.**”; and

Further amend said section, page 90, line 13 by inserting immediately after said line the following:

“**11. The county collector shall include in each taxpayer's tax bill the current tax rate and the most recent voter-approved tax rate for each purpose for each political subdivision located at least partially within the county levying a tax on property. In the event the stated current tax rate is greater than the most recent voter-approved tax rate for such purpose, the collector shall, in addition to requirements provided in this subsection, conspicuously note such fact in the tax bill. All political subdivisions shall provide information to the county collector on or before October 15th of each tax year.**”.

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

Senator Griesheimer moved that **SS** for **SCS** for **HB 376**, as amended, be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HB 376**, as amended, be read the 3rd time and passed and was recognized to close.

President Pro Tem Shields referred **SS** for **SCS** for **HB 376**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HB 644, introduced by Representative Wilson (130), entitled:

An Act to repeal section 301.218, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

Was taken up by Senator Griesheimer.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 644, Page 1, In the Title, Line 3, by striking “salvage” and inserting in lieu thereof the following: “registration and licensing of motor”; and

Further amend said bill and page, section A, line 3, by inserting immediately after said line the following:

“301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application.

When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, RSMo, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536, RSMo, indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words “Reconstructed Motor Vehicle”, “Motor Change Vehicle”, “Specially Constructed Motor Vehicle”, or “Non-USA-Std Motor Vehicle”, as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: “Annual odometer updates may be available from the department of revenue.”. On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied

by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307, RSMo. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall collect the same fee as authorized in section 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307, RSMo, and the emissions inspection required under chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been

appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles. The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol."; and

Further amend said bill, page 2, section 301.218, line 38, by inserting immediately after said line the following:

"306.410. **1.** If an owner creates a lien or encumbrance on an outboard motor, motorboat, vessel, or watercraft:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his or her security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the director accompanied by all other necessary documentation to perfect a lien pursuant to section 306.400;

(3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the

department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement;

(4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of title containing the name and address of the new lienholder, and mail the certificate of title to the owner named in it or if a lienholder has elected to have the director of revenue retain possession of an electronic certificate of title, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate as prescribed in section 306.405. Upon receipt of such authorization and a notice of lien from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of title being electronically retained by the director and provide confirmation of the addition to both lienholders.

2. When an owner wants to add or delete a name or names on an application for certificates of title of an outboard motor, motorboat, vessel, or watercraft that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of title.

430.082. 1. Every person expending labor, services, skill or material upon any motor vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo, outboard motor or aircraft at a written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or who provides storage for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or person in lawful possession thereof, or at the written request of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not available to request storage thereof, shall, where the maximum amount to be charged for labor, services, skill or material has been stated as part of the written request or the daily charge for storage has been stated as part of the written request, have a lien upon the chattel beginning upon the date of commencement of the expenditure of labor, services, skill, materials or storage for the actual value of all the expenditure of labor, services, skill, materials or storage until the possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof. The person furnishing labor, services, skill or material may retain the lien after surrendering possession of the aircraft or part or equipment thereof by filing a statement in the office of the county recorder of the county where the owner of the aircraft or part or equipment thereof resides, if known to the claimant, and in the office of the county recorder of the county where the claimant performed the services. Such statement shall be filed within thirty days after surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's name and address, the items on account, the name of the owner and a description of the property, and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal Aviation Administration Aircraft Registry.

2. If the chattel is not redeemed within [three months] **forty-five days** of the completion of the requested labor, services, skill or material, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title.

3. If the charges are for storage or the service of towing the motor vehicle, trailer, outboard motor or vessel, and the chattel has not been redeemed [three months] **within forty-five days** after the charges for

storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner and any lienholders of record other than the person making the notification, at the person's last known address that application for a lien title will be made unless the owner or lienholder within [forty-five] **thirty** days makes satisfactory arrangements with the person holding the chattel for payment of storage or service towing charges, if any, or makes satisfactory arrangements with the lienholder for paying such charges or for continued storage of the chattel if desired. [Forty-five] **Thirty** days after the notification has been mailed and the chattel is unredeemed, **or the notice has been returned marked “not forwardable” or “addressee unknown”**, and no satisfactory arrangement has been made with the lienholder for payment or continued storage, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title as provided in this section.

4. The application shall be accompanied by:

(1) The original or a conformed or photostatic copy of the written request of the owner or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

(2) An affidavit [of the] **from the** lienholder that **written notice was provided to all owners and lienholders of the applicants' intent to apply for a certificate of ownership** and the owner has defaulted on payment of labor, services, skill or material and that payment is [three months] **forty-five days** past due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for continued storage of the chattel for [forty-five] **thirty** days since notification of intent to make application for a certificate of ownership or certificate of title. **The affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section;**

(3) A statement of the actual value of the expenditure of labor, services, skill or material, or the amount of storage due on the date of application for a certificate of ownership or certificate of title, and the amount which is unpaid; and

(4) A fee of ten dollars.

5. If the director is satisfied with the genuineness of the application, **proof of lienholder notification in the form of a certified mail receipt**, and supporting documents, [the director shall notify by certified mail, postage prepaid, the owner and any lienholders of record, other than the applicant, at their last known address that application has been made for a lien title on the chattel.

6. Thirty days after notification of the owner and lienholders,] **and** if no lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made concerning payment or continuation of storage [and the application has not been withdrawn], and if no owner or lienholder has informed the director that the owner or lienholder demands a hearing [and enforcement of the lien] as provided in [section 430.160] **this section**, the director shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate of title to the applicant which shall clearly be captioned “Lien Title”.

[7.] **6.** Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell the chattel as prescribed in section 430.100.

[8.] **7.** The provisions of section 430.110 shall apply to the disposition of proceeds, and the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the lien title, including, but not limited to, court costs and reasonable attorney's fees.

700.320. 1. The owner of any new or used manufactured home, as defined in section 700.010, shall make application to the director of revenue for an official certificate of title to such manufactured home in the manner prescribed by law for the acquisition of certificates of title to motor vehicles, and the rules promulgated pursuant thereto. All fees required by section 301.190, RSMo, for the titling of motor vehicles and all penalties provided by law for the failure to title motor vehicles shall apply to persons required to make application for an official certificate of title by this subsection. In case there is any duplication in serial numbers assigned any manufactured homes, or no serial number has been assigned by the manufacturer, the director shall assign the serial numbers for the manufactured homes involved.

2. At the time the owner of any new manufactured home, as defined in section 700.010, which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title for such manufactured home, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the manufactured home, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new manufactured home subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510, RSMo, has been paid as provided in this section. As used in this subsection, the term “purchase price” shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the new manufactured home regardless of the medium of payment therefor. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisal by the director. The director of the department of revenue shall endorse upon the official certificate of title issued by him upon such application an entry showing that such sales tax has been paid or that the manufactured home represented by the certificate is exempt from sales tax and state the ground for such exemption.

3. A certificate of title for a manufactured home issued in the names of two or more persons that does not show on the face of the certificate that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred to the surviving owner or owners. On proof of death of one of the persons in whose names the certificate was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owner or owners; and the current valid certificate of number shall be so transferred.

4. A certificate of title for a manufactured home issued in the names of two or more persons that shows on its face that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred by the director of revenue on application by the surviving owners and the personal representative or successors of the deceased owner. Upon being presented proof of death of one of the persons in whose names the certificate of title was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owners and personal representative or successors of the deceased owner; and the current valid certificate of number shall be so transferred.

5. When an owner wants to add or delete a name or names on an application for certificate of title

to a manufactured home that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of title.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 644, Page 1, In the Title, Line 3 of the title, by striking the word “salvage” and inserting in lieu thereof the following: “the registration and licensing of motor”; and

Further amend said bill and Page, Section A, Line 2, by inserting after all of said line the following:

“301.069. **1.** A driveway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. For each driveway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveway licenses. The fee for biennial driveway licenses shall be eighty-nine dollars. For single trips the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations.

2. Notwithstanding the provisions of subsection 1 of this section, the annual license fee for one set of driveway license plates issued to a person, firm or corporation licensed by the department of revenue as a wholesale motor vehicle auction, as defined in section 301.550, shall be seventeen dollars. The fee for biennial driveway licenses issued to persons, firms, or corporations licensed as wholesale motor vehicle auctions shall be thirty-four dollars.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Griesheimer, **HB 644**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager
Lembke	Mayer	McKenna	Nodler	Pearce	Ridgeway	Rupp	Schaefer
Schmitt	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Purgason Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Engler moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2009.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Rupp offered Senate Resolution No. 935, regarding Helene Diller, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 936, regarding Paul Mydler, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 937, regarding William Goldkamp, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 938, regarding Fritz Hoffmeister, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 939, regarding Susan Myers, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 940, regarding Alan Raymond, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 941, regarding Nancy Dickens, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 942, regarding Wendy Drnec, Saint Charles County, which was adopted.

Senator Rupp offered Senate Resolution No. 943, regarding Thomas Nelsen, Saint Charles County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wright-Jones introduced to the Senate, Dr. Rosa Kincaid, M.D., St. Louis.

Senator Ridgeway introduced to the Senate, Wayne Beer, Bev Carter, Paige Carter, Natalie Brehm, Brian Johnson, Kim Lisby, Melanie Schuler, Marty Schuettpelz, Carolyn Meyer, Charles St. Clair, Jennifer Presberry and Richard Rice, members of University of Missouri Extension, Clay County.

Senator Ridgeway introduced to the Senate, Lisa Dangler, Liberty.

Senator Scott introduced to the Senate, Tracy Daniels, Bolivar; and Brad Stewart, El Dorado Springs.

Senator Champion introduced to the Senate, students from Sunshine Elementary School, Springfield.

Senator Pearce introduced to the Senate, Lynn Shupe, Liza Eador, Susan Barrett, Vernon County; and Steve Middlekamp, St. Louis.

On behalf of Senator Engler, the President introduced to the Senate, John H. Singleton, Fredericktown.

Senator Lembke introduced to the Senate, former State Senator Harry Kennedy, St. Louis.

Senator Lembke introduced to the Senate, Chris Livingston and students, Taylor Chambless and Megan Schwalbert, Notre Dame High School, St. Louis.

Senator Mayer introduced to the Senate, Jennifer Johns, Lance Day, Derek Brucker, Andrew Chandler, Taylor Moreland, Samantha Warner, Sarah Weidner and Bradd Anderson, members of Missouri State 4-H Council from around the state.

Senator Bartle introduced to the Senate, eighth grade students from St. John LaLande Catholic School, Blue Springs.

Senator Schmitt introduced to the Senate, Jason Adams, Christine Berry, Amy Gallant, Dan Mueller and eighty-eight fourth grade students from Tillman Elementary School, Kirkwood.

Senator Schmitt introduced to the Senate, Gina Jaksetic, Kirkwood.

Senator Engler introduced to the Senate, Nathan Foust, St. Peters.

Senator Bray introduced to the Senate, Libby Freihaut, Eliam Zuckerman, J.T. Vanino, Brandon Wohlfarth and Zaphron Richardson, sixth grade students from The College School, Webster Groves.

Senator Bray introduced to the Senate, Judy Neely, Denise Kuse and fifty fourth grade students from Drummund Elementary School, St. Ann.

Senator Wilson introduced to the Senate, McKenzie Smith, Kansas City; and McKenzie was made an honorary page.

On behalf of Senator Lager, the President introduced to the Senate, members of Jefferson C-123 Class 1 State Champion girls softball team, Nodaway County.

Senator Days introduced to the Senate, fourth grade students from Marion Elementary School, St. Louis.

Senator Engler introduced to the Senate, Susan, William, and Jenya Zoughaib, and Vicki Govro, Ste. Genevieve.

Senator Shields introduced to the Senate, representatives of Northwest Missouri Regional Professional Development Center, Kirksville.

Senator Pearce introduced to the Senate, David Bock, Jefferson City; and Lauren Talley, Columbia.

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

SENATE CALENDAR

FIFTY-EIGHTH DAY—THURSDAY, APRIL 23, 2009

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 668
HCS for HB 361
HCS for HB 217

HB 170-Cox, et al
HCS for HBs 620 & 671
HB 15-Icet

THIRD READING OF SENATE BILLS

SS for SCS for SB 167-Rupp
(In Fiscal Oversight)
SS for SCS for SB 558-Mayer
(In Fiscal Oversight)
SCS for SB 549-Schmitt
(In Fiscal Oversight)

SS#2 for SCS for SB 363-Griesheimer
(In Fiscal Oversight)
SCS for SBs 335 & 16-Rupp
SCS for SB 197-Goodman
SB 458-Lager

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 7-Griesheimer, with SS (pending)
SB 18-Bray, et al, with SCS & SS for SCS
(pending)
SB 29-Stouffer
SBs 45, 212, 136, 278, 279, 285 &
288-Pearce and Smith, with SCS &
SS#3 for SCS (pending)
SB 57-Stouffer, with SCS & SA 1 (pending)
SB 72-Stouffer, with SCS
SB 94-Justus, et al, with SCS & SS for
SCS (pending)
SB 174-Griesheimer and Goodman, with
SCS, SS#2 for SCS & SA 2 (pending)
SCS for SB 189-Shields
SBs 223 & 226-Goodman and Nodler, with
SCS & SA 1 (pending)

SB 228-Scott, with SCS, SS for SCS, SA 12,
SSA 1 for SA 12 & SA 1 to SSA 1
for SA 12 (pending)
SB 236-Lembke
SB 254-Barnitz, with SS (pending)
SBs 261, 159, 180 & 181-Bartle and
Goodman, with SCS & SS#3 for SCS
(pending)
SB 264-Mayer
SB 267-Mayer and Green, with SA 1
(pending)
SB 284-Lembke, et al, with SA 1 (pending)
SB 299-Griesheimer, with SCS & SS for
SCS (pending)
SB 321-Days, et al, with SCS (pending)
SB 364-Clemens and Schaefer

SB 409-Stouffer, with SCS (pending)
 SB 477-Wright-Jones, with SS (pending)
 SB 527-Nodler and Bray
 SB 555-Lager, with SCS, SS for SCS &
 SA 2 (pending)

SB 572-Dempsey and Justus
 SJR 12-Scott, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 103-Wildberger, et al, with SCS & SS
 for SCS (pending) (Callahan)
 SS for HCS for HB 154 (Shields)
 (In Fiscal Oversight)
 HCS for HB 191, with SCS & SS for SCS
 (pending) (Griesheimer)

HB 287-Day, et al, with SS (pending)
 (Mayer)
 SS for SCS for HB 376-Hobbs, et al
 (Griesheimer) (In Fiscal Oversight)

CONSENT CALENDAR

House Bills

Reported 4/9

HCS for HB 251 (Clemens)
 HB 210-Deeken (Crowell)
 HB 400-Nasheed, et al (Smith)

HB 593-Viebrock (Crowell)
 HB 678-Wasson (Goodman)
 HB 537-Dixon, et al (Wright-Jones)

Reported 4/14

HB 83-Wood, with SCS (Goodman)
 HCS for HB 124 (McKenna)
 HB 282-Stevenson, et al (Nodler)
 HB 652-Pratt (Bartle)

HB 698-Zimmerman, et al (Schmitt)
 HCS for HB 895 (Stouffer)
 HB 918-Kelly (Schaefer)
 HB 919-Ruestman, et al (Goodman)

Reported 4/15

HCS for HB 525 (Schmitt)
 HCS for HB 231 (Rupp)
 HB 826-Brown (149), et al (Lembke)
 HCS for HB 685 (Goodman)
 HB 811-Wasson (Scott)
 HCS for HB 273 (Scott)
 HCS for HB 485 (Mayer)

HB 859-Dieckhaus, et al (Griesheimer)
 HB 283-Wood, with SCS (Goodman)
 HCS for HBs 234 & 493 (Shoemyer)
 HCS for HB 148, with SCS#2 (Griesheimer)
 HB 326-Sutherland, with SCS (Griesheimer)
 HCS for HB 236, with SCS (Crowell)
 HB 289-Wallace (Mayer)

HB 373-Wallace, with SCS (Mayer)
HB 490-Schad, et al (Pearce)
HB 506-Funderburk, et al, with SCS (Rupp)

HB 682-Swinger, et al (Mayer)
HB 922-Smith (14), et al, with SCS (Rupp)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SS for SCS (Nodler)
HCS for HB 3, with SS for SCS (Nodler)
HCS for HB 4, with SCS (Nodler)
HCS for HB 5, with SCS (Nodler)
HCS for HB 6, with SCS (Nodler)
HCS for HB 7, with SCS (Nodler)

HCS for HB 8, with SCS (Nodler)
HCS for HB 9, with SCS (Nodler)
HCS for HB 10, with SCS (Nodler)
HCS for HB 11, with SCS (Nodler)
HCS for HB 12, with SCS (Nodler)
HB 13-Icet, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SR 141-Engler, with point of order
(pending)
SCR 7-Pearce
SR 207-Lembke and Smith, with SCS & SS
for SCS (pending)
SCR 11-Bartle, et al

SCR 14-Schmitt
SCR 21-Clemens
SCR 10-Rupp
SCR 18-Bartle and Rupp
SCR 23-Schmitt

✓