

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—WEDNESDAY, MAY 10, 2006

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"You show me the path of life. In your presence there is fullness of joy; in your right hand are pleasures forevermore." (Psalm 16:11)

O God, we have reached the mid point of this final week and know that the political commentators are already assessing what we have done here. Let us leave it to them to determine our hits and misses but for us we have desired to serve and to follow the paths You have laid open before us. Let us know Your joy from our serving and let our pleasure be in knowing we have done our best in following Your lead. 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.

President Kinder assumed the Chair.

The Journal of the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty

Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 3081, regarding Brian Eric Hackworth, Jr., which was adopted.

Senator Vogel offered Senate Resolution No. 3082, regarding the Eighty-fifth Birthday of Freda Pauline Smith, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 3083, regarding Alex R. Prenger, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 3084, regarding Jean Kuttenkuler, Corder, which was adopted.

Senator Stouffer offered Senate Resolution No. 3085, regarding David Michael, Cowgill, which was adopted.

Senator Stouffer offered Senate Resolution No. 3086, regarding Sarah S. Black, Lexington, which was adopted.

SECOND READING OF SENATE BILLS

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

SJR 43—Commerce, Energy and the Environment.

HOUSE BILLS ON SECOND READING

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

HB 1930—Ways and Means.

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 **SS** for **SCS** for **SB 894**, entitled:

An Act to repeal section 163.021 as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, and to enact in lieu thereof five new sections relating to educational standards and guidelines, with an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 2 to House Amendment No. 5, House Amendment No. 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 894, Page 6, Section 1, Line 16, by adding immediately after all of said line the following:

“Section 2. If a school district has been classified as unaccredited within the previous five school years and the district is subsequently classified as provisionally accredited, the district shall be subject to lapse on June thirtieth of any school year in which the state board of education withdraws provisional accreditation or at a later date as determined by the state board of education.” ; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 6, Section 1, Line 16, by inserting immediately after all of said line the following:

“Section 2. 1. In any city not within a county where a child under the age of seventeen required to attend school under section 167.031 accumulates fifteen or more absences during any one school year, the child's school district shall report such absences to the division of family services, children's division, within ten business days of the fifteenth day of absence. Such notification, which shall be in written form and retained in the student's school records, shall include:

- (1) The student's full name and parents' or guardians' full names;**
- (2) The addresses and phone numbers of the student and parents or guardians;**
- (3) The student's date of birth and age;**
- (4) The student's current school and grade level;**
- (5) The student's current grades for all**

classes in which the student is enrolled; and

(6) The total number of days missed and specific days missed from school.

2. Upon receipt of a report of the absences of a child under this section, the children's division shall notify the child's parent or guardian that the child has accumulated fifteen or more absences and such report may be subject to the educational neglect provisions under section 210.145, RSMo. The notification required under this section is required regardless of whether a student's parent or guardian contacted the school and approved of the absences.” ; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 6, Section 1, Line 16 by inserting after said line the following:

“Section 2. 1. As used in this section, “automated external defibrillator” means a specialized defibrillator that is approved for use as a medical device by the United States Food and Drug Administration for performing automated external defibrillation.

2. The board of education of each school district shall require the placement of an automated external defibrillator in each high school under the control of the board. Where a school-sponsored competitive athletic event is held at a site other than a public school facility, the public school officials may ensure that such automated external defibrillator is available for use at the site. The board shall require that a sufficient number of the staff persons assigned to each high school under the control of the board successfully complete an appropriate training course in the use of an automated external defibrillator as described in section

190.092, RSMo.

3. In regard to the use of an automated external defibrillator that is placed in a high school as specified in this section, and except in the case of willful or wanton misconduct or when there is no good faith attempt to activate an emergency medical services system in accordance with section 190.092, RSMo, no person shall be held liable in civil damages for injury, death, or loss to person or property, or held criminally liable, for performing automated external defibrillation in good faith, regardless of whether the person has obtained appropriate training on how to perform automated external defibrillation or successfully completed a course in cardiopulmonary resuscitation. The school district or school where the automated external defibrillator is located shall likewise not be held liable for damages resulting from the use of an automated external defibrillator, provided that all other requirements of section 190.092, RSMo, have been met.”; and

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

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, Line 9, by inserting after all of said Line the following:

“Further amend said bill, Page 4, Section 163.021, Line 1, by inserting immediately preceding all of said Line the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to

section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by [all] **only those summer school pupils who are attending summer school classes in the core academic areas of communication arts, mathematics, science, and social studies** by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital

outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary

disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the

department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily

attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized

in calculation outlined in paragraph (a) of this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators

as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily

attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds

the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

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

HOUSE AMENDMENT NO. 2 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, Line 11 by inserting after said line the following:

“House Committee Substitute for Senate Substitute for Senate Bill No. 1058, Section 105.711, Page 13, Line 217, by inserting after all of said section, the following:

“163.011. As used in this chapter unless the context requires otherwise:

(1) “Adjusted operating levy”, the sum of tax rates for the current year for teachers' and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(2) “Average daily attendance”, the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily

attendance of summer school students. “Full-time equivalent average daily attendance of summer school students” shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term “resident pupil” shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) “Current operating expenditures”:

(a) For the fiscal year 2007 calculation, “current operating expenditures” shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and payments from other districts;

(b) In every fiscal year subsequent to fiscal

year 2007, current operating expenditures shall be the amount in paragraph (a) plus any increases in state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five percent, per recalculation, of the state revenue received by a district in the 2004-05 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments for any district from the first preceding calculation of the state adequacy target;

(4) “District's tax rate ceiling”, the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(5) “Dollar value modifier”, an index of the relative purchasing power of a dollar, calculated as one plus fifteen percent of the difference of the regional wage ratio minus one, provided that the dollar value modifier shall not be applied at a rate less than 1.0:

(a) “County wage per job”, the total county wage and salary disbursements divided by the total county wage and salary employment for each county and the city of St. Louis as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year;

(b) “Regional wage per job”:

a. The total Missouri wage and salary disbursements of the metropolitan area as defined by the Office of Management and Budget divided by the total Missouri metropolitan wage and salary employment for the metropolitan area for the county signified in the school district number or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas; or if no such metropolitan area is

established, then:

b. The total Missouri wage and salary disbursements of the micropolitan area as defined by the Office of Management and Budget divided by the total Missouri micropolitan wage and salary employment for the micropolitan area for the county signified in the school district number, as reported by the Bureau of Economic Analysis of the United States Department of Commerce for the fourth year preceding the payment year, if a micropolitan area for such county has been established and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas; or

c. If a county is not part of a metropolitan or micropolitan area as established by the Office of Management and Budget, then the county wage per job, as defined in paragraph (a) of this subdivision, shall be used for the school district, as signified by the school district number;

(c) “Regional wage ratio”, the ratio of the regional wage per job divided by the state median wage per job;

(d) “State median wage per job”, the fifty-eighth highest county wage per job;

(6) “Free and reduced lunch pupil count”, the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) “Free and reduced lunch threshold” shall be calculated by dividing the total free and reduced lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) “Limited English proficiency pupil count”, the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) “Limited English proficiency threshold” shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) “Local effort”:

(a) For the fiscal year 2007 calculation, “local effort” shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in

lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, “local effort” shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines or less any decrease in the amount received for school purposes from fines in any school district located at least partially in any county, except in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, that has created or creates a county municipal court after June 30, 2004. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in calculation outlined in paragraph (a) of this subdivision;

(11) “Membership” shall be the average of:

(a) The number of resident full-time students

and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils.

“Full-time equivalent number of part-time students” is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. “Full-time equivalent number of summer school pupils” is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) “Operating levy for school purposes”, the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) “Performance district”, any district that has met all performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092, RSMo, and as reported on the final annual performance report for that district each year;

(14) “Performance levy”, three dollars and forty-three cents;

(15) “School purposes” pertains to teachers' and incidental funds;

(16) “Special education pupil count”, the number of public school students with a current individualized education program and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district within the county exceeding the special education threshold of each respective district within the county shall be counted within the special district and not in the district of residence for purposes of distributing the state aid derived from the special education pupil count;

(17) “Special education threshold” shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) “State adequacy target”, the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall

never result in a decrease from the previous state adequacy target amount. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted to accommodate available appropriations;

(19) “Teacher”, any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) “Weighted average daily attendance”, the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, and plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the

limited English proficiency threshold. None of the districts comprising a special district established under sections 162.815 to 162.940, RSMo, in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance.”; and

Further amend said amendment, page 10, section B, line 29, by inserting after all of said line the following:

“Section F. Because of the need to provide a quality education for Missouri students, sections 163.011 and 163.031 are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and sections 163.011 and 163.031 shall be in full force and effect on July 1, 2006, or upon its passage and approval, whichever comes later.”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 894, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“To repeal section 167.231, RSMo, and sections 163.021 and 163.031 as enacted by conference committee substitute for house committee”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting all of said line and inserting in lieu thereof the following:

“Section A. Section 167.231, RSMo, and sections 163.021 and 163.031 as enacted by conference committee substitute for house”; and

Further amend said bill, Page 6, Section 163.021, Line 71, by inserting after all of said line

the following:

“163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and, in years not governed under subsection 4 of this section, subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For the 2007-08 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair

share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(c) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one;

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one;

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program

entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. In the 2006-07 school year and each school year thereafter for five years, those districts entitled to receive state aid under the provisions of subsection 1 of this section shall receive state aid in an amount as provided in this subsection.

(1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of this section, plus eighty-five percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of this section, plus seventy percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the amount of state aid calculated for the district for the 2008-09 school year under the provisions of subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(4) For the 2009-10 school year, the amount

of state aid shall be fifty-eight percent of the amount of state aid calculated for the district for the 2009-10 school year under the provisions of subsection 1 of this section plus forty-two percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of the amount of state aid calculated for the district for the 2010-11 school year under the provisions of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the amount of state aid calculated for the district for the 2011-12 school year under the provisions of subsection 1 of this section plus fourteen percent of the total amount of state revenue received by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received under section 163.043.

(7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target may not be adjusted downward to accommodate available appropriations in any year governed by this subsection.

(b) **a. For the 2006-07 school year**, if a school district experiences a decrease in summer school average daily attendance of more than fifteen percent from the district's 2005-06 summer school average daily attendance [in any year governed by this subsection], an amount equal to

the product of the percent reduction [in] **that is in excess of fifteen percent** of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than **thirty percent** from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year, if a school district experiences a decrease in summer school average daily attendance of more than **forty-four percent** from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of forty-four percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. For the 2009-10 school year, if a school district experiences a decrease in summer school average daily attendance of more than **fifty-eight percent** from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of fifty-eight percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

e. For the 2010-11 school year, if a school district experiences a decrease in summer school average daily attendance of more than seventy-two percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of seventy-two percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

f. For the 2011-12 school year, if a school district experiences a decrease in summer school average daily attendance of more than eighty-six percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of eighty-six percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

g. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

h. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by

the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as

was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as

provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, **and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty.** If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

- YES NO

(If you are in favor of the proposition (or question),

place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.”; and

Further amend said bill, Page 6, Section B, Line 2, by deleting all of said line and inserting in lieu thereof the following: “schools, the repeal and reenactment of sections 163.021, 163.031, and 167.231 of section A of this act are deemed”; and

Further amend said bill, Page 6, Section B, Line 5, by deleting all of said line and inserting in lieu thereof the following: “and reenactment of sections 163.021, 163.031, and 167.231 of section A of this act shall be in full force and effect on”; and

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

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Senator Shields announced that photographers

from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Kennedy moved that **HCR 12** be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kennedy, **HCR 12** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Rupp	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman	Gibbons	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HCS for **HB 1900**, entitled:

An Act to repeal sections 105.473, 105.963, 130.011, 130.016, 130.046, and 130.056, RSMo, and to enact in lieu thereof six new sections

relating to campaign finance.

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

Senator Shields offered **SS** for **HCS** for **HB 1900**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1900

An Act to repeal sections 105.470, 105.473, 105.485, 105.487, 105.957, 105.959, 105.963, 130.011, 130.016, 130.032, 130.046, 130.050, and 130.054, RSMo, and to enact in lieu thereof sixteen new sections relating to ethics, with an effective date.

Senator Shields moved that **SS** for **HCS** for **HB 1900** be adopted.

Senator Griesheimer assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 54, Section 130.032, Lines 26-28, by striking all of said lines; and

Further amend said bill and section, page 55, lines 1-7 by striking all of said lines from the bill.

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

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Engler	Graham	Wheeler	Wilson—8

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Gibbons
Goodman	Green	Griesheimer	Gross

Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senator Crowell—1

Vacancies—None

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 51, Section 130.016, Line 10, by inserting after all of said line the following:

“130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to “cash” shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned

immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the

person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by sections 130.049 and 130.050, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure **or any person using automated telephone recordings or paid telephone solicitations relative to any candidate for public office or any ballot measure** shall on the face of the printed matter **or in the body of the recorded telephone message or paid telephone solicitation** identify in a clear and conspicuous manner the person who

paid for the printed matter **or recorded telephone message or paid telephone solicitation** with the words “Paid for by” followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, “printed matter” shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but “printed matter” is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print **or verbally identify** the first and last name by which the candidate is known.

(2) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a committee, it shall be sufficient identification to print **or verbally identify** the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid

for.

(3) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print **or verbally identify** the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter **or recorded telephone message or telephone solicitation** paid for by an individual or individuals, it shall be sufficient identification to print **or verbally identify** the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter **or a recorded telephone message or telephone solicitation** it shall be sufficient identification to print **or verbally state** the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed **or distributed via a recorded telephone message or paid telephone solicitation**, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter **or a recorded telephone message or paid telephone solicitation** pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff."; and

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

Senator Bray moved that the above amendment be adopted.

Senator Bray offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 6, Section 130.031, Line 10, by inserting after the word "staff" the following:

“

13. In regard to any printed matter,

recorded telephone message or telephone solicitation, anyone misleading, misstating, or omitting the sponsor of such material or telecommunication is guilty of a Class A misdemeanor”.

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

SA 2, as amended, was again taken up.

Senator Scott assumed the Chair.

Senator Shields offered **SSA 1** for **SA 2**, which was read:

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

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24, by inserting after all of said line the following:

“Section 1. The ethics commission shall study methods to improve the regulation of persons and organizations that conduct or utilize political telephone solicitations. The commission shall issue a report containing recommendations to the general assembly no later than January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 56, Section 130.046, Line 10, by adding after the word “quarter” the following:

“except that the April quarterly report shall be deemed timely filed on or before the twenty-

second day”.

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

Senator Green offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Pages 31-33, Section 115.342, by striking all of said section from the bill and inserting in lieu thereof the following:

“115.342. 1. Any person who files as a candidate for election to an office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any local or state taxes, including but not limited to income taxes, personal property taxes, or any business taxes for a business in which the person has a majority interest or is a past or present corporate officer of any fee office that owes any taxes to the state.

2. Each potential candidate for election shall file an affidavit with the department of revenue and include a copy of the affidavit with the declaration of candidacy required under section 115.349, RSMo. Such affidavit shall be in substantially the following form:

“AFFIRMATION OF TAX PAYMENTS:

I hereby declare under penalties of perjury that I am not currently aware of any delinquency in the filing or payment of any local or state taxes, other than those taxes which may be in dispute.

..... **Candidate's Signature**

..... **Printed Name of Candidate.”**

3. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any local or state taxes, the department of revenue shall investigate such

potential candidate to verify the claim contained in the complaint. If the department of revenue finds a positive affirmation to be false, the department shall contact the secretary of state and the potential candidate. The department shall notify the candidate of the outstanding tax owed and give the candidate thirty days to remit any such outstanding taxes owed which are not the subject of dispute between the department and the candidate. If the candidate fails to remit such amounts in full within thirty days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all outstanding taxes.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Green offered **SA 1 to SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 2, Section 115.342, Line 9, by inserting immediately after the word “state” the following:

“, or the official who accepted such candidate’s declaration of candidacy,”.

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

SA 4, as amended, was again taken up.

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

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House

Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“105.456. 1. No member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor shall:

(1) Perform any service for the state or any political subdivision of the state or any agency of the state or any political subdivision thereof or act in his or her official capacity or perform duties associated with his or her position for any person for any consideration other than the compensation provided for the performance of his or her official duties; or

(2) Sell, rent or lease any property to the state or political subdivision thereof or any agency of the state or any political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for compensation other than the compensation provided for the performance of his or her official duties, to influence the decision of any agency of the state on any matter, except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. The exception for a conference upon a public document shall not permit any member of the general assembly or the governor, lieutenant governor, attorney general, secretary of state, state treasurer or state auditor to receive any consideration for the purpose of attempting to influence the decision of any agency of the state on behalf of any person with regard to any

application, bid or request for a state grant, loan, appropriation, contract, award, permit other than matters involving a driver's license, or job before any state agency, commission, or elected official. Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves in the general assembly, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm. This subdivision shall not be construed to prohibit any inquiry for information or the representation of a person without consideration before a state agency or in a matter involving the state if no consideration is given, charged or promised in consequence thereof;

(4) Be under contract to or be an employee of a firm whose primary mission is to influence the decisions of the general assembly, any state agency, or any political subdivision.

2. No sole proprietorship, partnership, joint venture, or corporation in which a member of the general assembly, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor or spouse of such official, is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the state or any political subdivision thereof or any agency of the state or political subdivision for any consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice

and competitive bidding, provided that the bid or offer accepted is the lowest received; or

(2) Sell, rent, or lease any property to the state or any political subdivision thereof or any agency of the state or political subdivision thereof for consideration in excess of five hundred dollars per transaction or one thousand five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest and best received.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Dougherty, Green and Wheeler.

Senator Shields offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 3, Section 105.456, Line 3, by striking the word “primary” and inserting in lieu thereof the following: “**exclusive**”.

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

SA 5, as amended, was again taken up.

On motion of Senator Graham, the above amendment was adopted by the following vote:

YEAS—Senators

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

Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Cauthorn	Gross	Klindt—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Green offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting immediately after said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.

5. No person shall be selected or appointed by the director of revenue to act as an agent of the department of revenue if:

(1) Such person is related within the fourth degree of consanguinity or affinity to any elected government official of this state; or

(2) Such person is related within the fourth degree of consanguinity or affinity to the spouse of any elected government official of this state.”;
and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SSA 1** for **SA 6**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting after all of said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue **as provided in subsection 2 of this section** to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three

dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. The department of revenue shall award fee office contracts under this section with priority given as follows:

(1) To school districts or coalitions of school districts;

(2) To charitable organizations;

(3) To individuals through a competitive bidding process. Any revenues generated as a result of the competitive bidding process shall be distributed to the school districts in the county in which the fee office is located, with the moneys to be distributed on a per-pupil basis.

3. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

[3.] **4.** Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor

vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

[4.] **5.** The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Shields raised the point of order that **SA 6** and **SSA 1** for **SA 6** are out of order as both amendments go beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled the point of order on **SSA 1** for **SA 6** well taken, and the point of order on **SA 6** not well taken.

SA 6 was again taken up.

Senator Green moved that the above amendment be adopted, which motion failed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Coleman	Days	Dougherty	Graham
Green	Kennedy	Wheeler	Wilson—12

NAYS—Senators

Bartle	Champion	Clemens	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel—20

Absent—Senators

Cauthorn Crowell—2

Absent with leave—Senators—None

Vacancies—None

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7, by inserting after all of said line, the following:

“21.181. No employee of the general assembly shall receive compensation for any fund raising activities on behalf of political parties or a political campaign without taking an approved leave of absence from employment from the general assembly.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“21.145. Each senator or representative shall be reimbursed from the state treasury for actual and necessary expenses in an amount equal to [eighty] one hundred percent of the federal per diem established by the Internal Revenue Service for Jefferson City for each day on which the journal of the senate or house, respectively, shows the presence of such senator or representative. Upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the commissioner of

administration shall approve and the state treasurer shall pay monthly such expense allowance.”; and

Further amend said bill, Page 67, Section 130.056, Line 24 of said page, by inserting after all of said line the following:

“130.165. 1. A member of the general assembly shall not accept meals, food, beverage, or other gifts from a legislative lobbyist or the lobbyist's principal as defined in subdivision (4) of section 105.470. RSMo.

2. The provisions of this section may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 15, Section 105.473, Line 5 of said page, by inserting after all of said line the following:

“14. Notwithstanding any other provision of law, all expenditures made by a lobbyist or lobbyist principal for occasions involving any caucus of the general assembly shall be apportioned and reported as an expenditure on behalf of each public official in attendance at such occasion.

15. All expenditures classified as gifts under this section made or provided during any reporting period to any public official's staff, employees, spouse, or dependent children shall be reported as a gift to such public official.”.

Senator Callahan moved that the above

amendment be adopted, which motion failed.

Senator Graham offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 59, Section 130.046, Line 2, by striking the word “aggregate” and further amend said page and line by striking the following: “five hundred” and inserting in lieu thereof the following: **“two hundred fifty”.**

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

Senator Graham offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 67, Section 130.054, Line 24 of said page, by inserting immediately after said line the following:

“136.055. 1. Any person who is selected or appointed by the state director of revenue and confirmed with the advice and consent of the senate to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer license sold, renewed or transferred--two dollars and fifty cents beginning January 1, 1998; and four dollars beginning July 1, 2000; and five dollars beginning August 28, 2002, for those licenses biennially renewed pursuant to section 301.147, RSMo. Beginning July 1, 2003, for each motor vehicle or trailer license sold, renewed or transferred--three

dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147, RSMo;

(2) For each application or transfer of title--two dollars and fifty cents beginning January 1, 1998;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents beginning August 28, 2000;

(5) No notary fee or other fee or additional charge shall be paid or collected except for electronic telephone transmission reception--two dollars.

2. All fees charged shall not exceed those in this section. Beginning July 1, 2003, the fees imposed by this section shall be collected by all permanent branch offices and all full-time or temporary offices maintained by the department of revenue.

3. Any person acting as agent of the department of revenue for the sale and issuance of licenses and other documents related to motor vehicles shall have an insurable interest in all license plates, licenses, tabs, forms and other documents held on behalf of the department.

4. The fee increases authorized by this section and approved by the general assembly were requested by the fee agents. All fee agent offices shall display a three foot by four foot sign with black letters of at least three inches in height on a white background which states:

The increased fees approved by the Missouri Legislature and charged by this fee office were requested by the fee agents.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 11** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Committee Substitute for House Bill No. 1900, Page 15, Section 105.473, Line 5 of said page, by inserting immediately after said line the following:

“105.483. Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for such elective office, except those running for or serving as county committee members for a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440, RSMo;

(8) Any board member of a metropolitan sewer district authorized under section 30(a) of article VI of the state constitution;

(9) Any member of a commission appointed or operating pursuant to sections 64.650 to 64.950, RSMo, sections 67.650 to 67.658, RSMo, or sections 70.840 to 70.859, RSMo;

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

(11) Each elected official, candidate for elective office, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, and each official or employee of a political subdivision who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

(12) Any person who is designated as a

decision-making public servant by any of the officials or entities listed in subdivision (6) of section 105.450;

(13) Any person selected or appointed under section 136.055, RSMo, to act as an agent for the department of revenue whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

Senator Shields moved that **SS** for **HCS** for **HB 1900**, as amended, be adopted, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Shields, **SS** for **HCS** for **HB 1900**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Dougherty—1

Absent—Senator Crowell—1

Absent with leave—Senators—None

Vacancies—None

President Pro Tem Gibbons declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HB 1619**, with **SCS**; **HCS** for **HB 1092**, with **SCS**; **SCS** for **HCS** for **HB 1367**; **HB 1302**; **HCS** for **HB 1837**, with **SCS**; and **HCS** for **HB 1349**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 1884**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Ridgeway moved that the Senate refuse to recede from its position on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Nodler moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 894**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended: Senators Ridgeway, Koster, Crowell, Barnitz and Coleman.

MESSAGES FROM THE HOUSE

The following messages were 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 **SB 1124**, entitled:

An Act to repeal sections 41.950, 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, 317.018, 324.010, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.655, 334.660, 334.735, 335.066, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.615, 337.618, 337.668, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.010, 338.035, 338.095, 338.220, 339.010, 339.040, 339.100, 339.507, 339.509, 339.513, 339.519, 339.521, 339.525, 339.532, 340.222, 340.234, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 383.130, 383.133, 537.035, 610.120, 620.010, 621.045, 621.100, 621.110, and 660.315, RSMo, and to enact in lieu thereof one hundred thirty-eight new sections relating to licensing and registration of certain professionals, with penalty provisions.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8, House Substitute Amendment No. 1 for House Amendment No. 8, as amended, House Amendment Nos. 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1124, Page 11, Section 317.015, Line 43, by striking the “[” on said line; and

Further amend said page and section, Lines 49 through 64, by striking all of said lines and inserting in lieu thereof the following “**person’s license.**”; and

Further amend said substitute, Page 55, Section 332.052, Line 5, by striking the following from said line “the longer of”; and

Further amend said page and section, Line 7, by striking the word “five” and inserting in lieu thereof the word “**seven**”; and

Further amend said substitute, Page 58, Section 334.104, Line 44, by inserting immediately after said line the following

“5. Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.”; and

Further amend said page and section, Line 45, by striking the number “5” and inserting in lieu thereof the number “**6**”; and

Further amend said section, Page 59, Line 52, by striking the number “6” and inserting in lieu thereof the number “**7**”; and

Further amend said substitute, Page 62, Section 334.735, Line 38, by striking the word “supervision” and inserting in lieu thereof the word “**supervising**”; and

Further amend said section and page, Line 39, by inserting immediately before the “,” on said line the following “**assistant**”; and

Further amend said section, Page 63, Line 89, by striking the word “supervision” and inserting in lieu thereof the word “**supervising**”; and

Further amend said section, Page 64, Line 112, by inserting immediately before the word “shall” on said line the following “**assistant**”; and

Further amend said substitute, Page 77, Sections 337.500, 337.505, 337.507, 337.510, 337.520, 337.525, 337.530, 337.545, 337.550 and 337.555, by striking all of said sections; and

Further amend said substitute, Page 93, Sections 337.700, 337.703, 337.709, 337.712, 337.715, 337.718, 337.727, 337.733 and 337.736, by striking all of said sections; and

Further amend said substitute, Page 106, Sections 339.010, 339.040 and 339.100, by striking all of said sections; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1124, Page 32, Section 319.339, Lines 29 and 30, by deleting all of said lines and inserting in lieu thereof the following:

“3. Any municipality or county may by ordinance.”; and

Further amend said bill, Page 150, Section 660.315, Line 102 by inserting after all of said line the following:

“Section 1. Notwithstanding any provision

of section 701.025 to 701.059 or of any rule or regulation promulgated thereunder to the contrary, unless continuing education units are provided in the county in which a person registered resides or offered on the internet, the person shall not be required to complete continuing education units as a prerequisite for renewal of the person's registration under sections 701.025 to 701.059 or any rule or regulation promulgated thereunder. Any instructor of the continuing education units shall have a minimum of ten years experience of actual installation of industry products.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 1124, page 33, Section 319.339, Line 76 by inserting after the number “319.339” the following:

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

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Bill No. 1124, Page 17, Section 319.306, Line 78, by striking the following: “, or in lieu thereof, a civil penalty assessed;”; and

Further amend said Section, Page 19, Line 128, by striking “1995” and inserting in lieu thereof the following: “**2000**”; and

Further amend said section, Page 22, Line 234, by striking “Part 76” and inserting in lieu thereof the following “**Part 75**”; and

Further amend said substitute, Page 26, Section 319.318, Line 45, by striking “319.319” and inserting in lieu thereof the following: “**319.339**”; and

Further amend said substitute, Page 27, Section 319.321, Line 19, by striking “Part 76” and inserting in lieu thereof the following: “**Part 75**”; and

Further amend said substitute, Page 31, Section 319.339, Line 2, by striking “political subdivision” and inserting in lieu thereof the following “**municipality**”; and

Further amend said section, Page 32, Line 21, by striking the following: “political subdivision” and inserting in lieu thereof the following: “**municipality**”; and

Further amend said page and section, Lines 29 and 30, by striking all of said lines and inserting in lieu thereof the following: “**3. Any municipality or county by ordinance**”; and

Further amend said section, Page 33, Line 50, by inserting immediately after the word “municipal” the following: “**or county**”; and

Further amend said page and section, Line 51, by inserting after the word “municipality” the following “**or county**”; and

Further amend said page and section, Line 54, by inserting after the word “municipality” the following: “**, county**”; and

Further amend said page and section, Line 63,

by inserting immediately after the word “municipality” the following: “, **county**”; and

Further amend said page and section, Lines 72 and 73, by striking the following: “or other political subdivisions”; and

Further amend said page and section, Line 74, by striking the following: “or other political subdivision”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 1124, Page 150, Section 660.315, Line 102, by inserting immediately after said line the following:

Section 1. Notwithstanding any other provision of law to the contrary, any qualified health care professional who is legally authorized to practice pursuant to the laws of another state may practice in this state for a period not to exceed three days in any one calendar year without examination or payment of fees if such medical services are provided to any participant, official, volunteer, or spectator of the “Susan G. Komen Breast Cancer Walk” held in a home rule city with more than four hundred thousand inhabitants located in more than one county.

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 1124, Section 335.068, Page 76, Line 10 by inserting the year, “**2006**” immediately after the words, “August 28,”; and

Further amend said section, Page 76, Line 11 by inserting an open bracket “[” before the year,

“1999”; and

Further amend said line by inserting a closed bracket “]” after the year, “1999”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 1124, Page 102, Section 338.010, Line 8, by striking all of said line and inserting in lieu thereof the following: “**and administration of viral influenza vaccines by written protocol authorized by a physician for persons over the age of twelve as authorized by rules; the**”; and

Further amend said Page and Section, Line 42, by inserting immediately after the word “services” on said line the following “**and administration of viral influenza vaccines**”; and

Further amend said Section, Page 103, Line 48, by inserting immediately after the word “services” on said line the following “**and administration of viral influenza vaccines**”; and

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

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 8

Amend House Substitute Amendment No. 1 for House Amendment No. 8 to House Committee Substitute for Senate Bill No. 1124, Line 2, by striking the words “twenty five” and inserting in lieu thereof the words “**thirty three**”; and

Further amend said amendment, Line 6, by inserting immediately after the word “thirty” the following; “**three**”; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 1124, Page 62, Section 334.735, Line 36, by deleting the word “thirty” and inserting in lieu thereof the word “**twenty five**”; and

Further amend said bill, Page 64, Section 334.735, Line 114, by inserting immediately after the word “hours” the following; “**in non healthcare provider shortage areas and in healthcare provider shortage areas where the supervising physician practices at least thirty percent of clinic hours**”; and

Further amend said page and section, Line 125, by inserting immediately after the word “as” the word “**a**”; and

Further amend said page and section, Line 126, by deleting all of said line and inserting in lieu thereof the following; “**three licensed physician assistants at one time. This provision shall not apply to physician assistant**”; and

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

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 1124, Page 106, Section 338.220, Line 31, by inserting after all of said line the following:

“338.380. 1. As used in this section the term “committee” means the well-being committee established under subsection 3 of this section.

2. The board may refuse to issue any certificate of registration or authority, permit or license, required under this chapter for one or any combination of causes stated in subsection 2 of section 338.055, or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit

himself or herself for identification, intervention, treatment, or rehabilitation by the well-being committee as provided in this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

3. The board may establish an impaired licensee committee, to be designated as the “Well-being Committee”, to promote the early identification, intervention, treatment and rehabilitation of licensees identified within this chapter, who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or an association for the purpose of creating, supporting and maintaining such a committee. The board may promulgate rules subject to the provisions of this section to effectuate and implement any committee formed under this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed under this section. Any member of the committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee or by any individual member of the committee.

4. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the committee, as well as communications to or from the committee, any findings, conclusions,

interventions, treatment, rehabilitation, or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be absolutely privileged and confidential.

5. All records and proceedings of the committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records under chapter 610, RSMo, and shall only be subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except as provided in subsection 6 of this section.

6. The committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment, or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board;

(4) The information is subject to a court order.

7. In lieu of the pursuing discipline against a licensee for violating one or more causes stated in subsection 2 of section 338.055, the board may enter into a diversion agreement with a licensee to refer the licensee to the committee under such terms and conditions as are agreed to by the board and licensee. The board shall enter into no more than two diversion agreements with any individual licensee. If the licensee violates a term or

condition of a diversion agreement entered into under this section, the board may elect to pursue discipline against the licensee under chapter 621, RSMo, for the original conduct that resulted in the diversion agreement, or for any subsequent violation of subsection 2 of section 338.055. While the licensee participates in the committee, the time limitations of section 620.154, RSMo, shall toll under subsection 7 of section 620.154, RSMo. All records pertaining to diversion agreements are confidential and may only be released under subdivision (7) of subsection 14 of section 620.010, RSMo.

8. The committee shall report to the board the name of any licensee who fails to enter treatment within forty-eight hours following the provider's determination that the pharmacist needs treatment or any failure by a licensee to comply with the terms of a treatment contract during inpatient or outpatient treatment or aftercare or report a licensee who resumes the practice of pharmacy before the treatment provider has made a clear determination that the pharmacist is capable of practicing according to acceptable and prevailing standards.

9. The board may disclose information and records to the committee to assist the committee in the identification, intervention, treatment, and rehabilitation of any licensee who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The committee shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records as closed to the public under chapter 620, RSMo.

10. 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, 2006, shall be invalid and void.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 1124, Page 1, In the Title, Line 4, by deleting the section number “334.104.”; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word “thirty-eight” and inserting in lieu thereof the word “thirty-seven”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the section number “334.104.”; and

Further amend said bill, Page 2, Section A, Line 9, by deleting the word “thirty-eight” and inserting in lieu thereof the word “thirty-seven”; and

Further amend said bill, Page 2, Section A, Line 17, by deleting the section number “334.104.”; and

Further amend said bill, Pages 57 to 59, Section 334.104, Lines 1 to 53, by deleting all of said lines; and

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

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 1124, Section 41.950, Page 4, Line

69 by inserting immediately after said Line the following:

“71.620. 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, **veterinarian**, dentist, chiropractor, optometrist, chiropodist, physician or surgeon in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and, after December 31, 2003, no investment funds service corporation, as defined in section 143.451, RSMo, may be required to pay, or shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on its business or occupation, in excess of or in an aggregate amount exceeding twenty-five thousand dollars annually, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his or her profession by a municipality unless that person maintains a business office within that municipality.

3. Notwithstanding any other provision of law to the contrary, after September 1, 2004, no village with less than one thousand three hundred inhabitants shall impose a business license tax in excess of fifteen thousand dollars per license.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 822**.

Emergency clause adopted.

Bill ordered enrolled.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

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

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 3087, regarding the Saint Louis Bringing It Together Musicfest, which was adopted.

Senator Dougherty offered Senate Resolution No. 3088, regarding the Ninetieth Birthday of Ivan Cecil James, Jr., St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 3089, regarding Jacob Lee Weir, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 3090, regarding Chad Thomas Stephens, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 3091, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John W. Smith, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 3092, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Alfred Lambert, Scott City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 3093, regarding Chief W.H. "Bill" Halmich, Washington, which was adopted.

Senator Nodler offered Senate Resolution No. 3094, regarding the Neosho/Newton County Library, which was adopted.

Senator Shields offered Senate Resolution No. 3095, regarding Brent Traugot Savige, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 3096, regarding Casey L. Johnson, St. Joseph, which was adopted.

Senator Kennedy offered Senate Resolution No. 3097, regarding Nazareth Living Center, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 3098, regarding Thomas M. Steeno, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were 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 **SB 1023**, entitled:

An Act to repeal sections 488.5050, 650.050, 650.055, 650.056, 650.057, and 650.100, RSMo, and to enact in lieu thereof seven new sections relating to exoneration using DNA testing, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1023, Section 650.058, Page 8, Line 61 by inserting immediately after the word "by" the following:

"reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in"; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has removed Representative Brian Munzlinger from the Conference Committee for **HCS** for **SCS** for **SB 773**, as amended. Representative Mike Cunningham (145) will be replacing Representative Munzlinger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 2** for **HCS** for **HB 1456**, as amended. Representatives: Roark, Hunter, Day, Burnett and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 696**, as amended. Representatives: Flook, Richard, Pearce, Bowman and Kratky.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **SCS** for **HCS** for **HB 1367** be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Scott, **SCS** for **HCS** for **HB 1367** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman Vogel—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1320, introduced by Representative Lipke, et al, entitled:

An Act to amend chapter 43, RSMo, by adding thereto one new section relating to criminal background checks of gubernatorial appointees subject to senate confirmation.

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

Senator Gibbons offered **SS** for **HB 1320**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 1320

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Senator Gibbons moved that **SS** for **HB 1320** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1320, Page 1, Section 26.142, Line 7, by striking the word “direction” and inserting in lieu thereof the following: “**directive**”.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Gibbons, **SA 1** was withdrawn.

At the request of Senator Gibbons, the **SS** was withdrawn.

Senator Gibbons offered **SS No. 2** for **HB 1320**, entitled:

SENATE SUBSTITUTE NO. 2
FOR HOUSE BILL NO. 1320

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

Senator Gibbons moved that **SS No. 2** for **HB 1320** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS No. 2** for **HB 1320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer moved that the **CCR** on **HCS** for **SCS** for **SBs 1001, 896** and **761** be taken up, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Griesheimer moved that the **CCR** on **HCS** for **SCS** for **SBs 1001, 896** and **761**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Gross	Loudon	Purgason	Ridgeway—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SCS** for **SBs 1001, 896** and **761**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILLS NOS. 1001, 896, and 761

An Act to repeal sections 302.130, 302.171, 302.178, and 302.720, RSMo, and to enact in lieu thereof five new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Koster
Mayer	Nodler	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Gross	Loudon	Purgason—3
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Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Mayer	Nodler	Ridgeway
Rupp	Scott	Shields	Stouffer

Vogel Wheeler Wilson—31

NAYS—Senators

Loudon Purgason—2

Absent—Senator Klindt—1

Absent with leave—Senators—None

Vacancies—None

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 Shields moved that motion lay on the table, which motion prevailed.

Senator Shields announced that photographers from KMIZ-TV had been given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SS** for **SCS** for **SBs 872, 754** and **669**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 872, 754** and **669**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669

An Act to repeal sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, and 307.178, RSMo, and to enact in lieu thereof ten new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, children, and other motorists, with penalty provisions and an effective date for a certain section.

Was taken up.

Senator Gibbons moved that **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, be adopted.

Senator Bartle assumed the Chair.

Senator Callahan offered a substitute motion that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, and requested a roll call vote be taken. He was joined in his request by Senators Bray, Koster, Ridgeway and Wheeler.

The substitute motion made by Senator Callahan failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Coleman	Green
Purgason	Ridgeway—6		

NAYS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Crowell	Days
Dougherty	Engler	Gibbons	Goodman
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—28

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

HCS for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, was adopted by the following vote:

YEAS—Senators

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

Loudon	Mayer	Nodler	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Green	Purgason	Ridgeway—3
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Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **HCS** for **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

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 **SS** for **SCS** for **SB 904**, entitled:

An Act to repeal sections 8.010, 8.178, 8.420, 100.265, and 701.450, RSMo, and to enact in lieu thereof seventeen new sections relating to designing, building, and managing state buildings, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment Nos. 4 and 5.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Bill No. 904, Page 8, Section 107.170, Line 6, by inserting:

“6. Any assets or funds from the proceeds, fees or revenues, however such assets or funds were acquired, of the higher education loan authority established pursuant to section 173.360, RSMo, that are transferred to or used by the state or any department, division, agency or board of the state, shall not be used in connection with any activity prohibited by section 196.1127, RSMo.”; and

Further amend the title, enacting clause and intersection references of said bill accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bill No. 904, Page 2, Section 8.010, Line 1, by inserting immediately before all of said section the following:

8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007;

(2) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

(3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

(4) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

(5) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history of the capitol, its improvement or restoration;

(6) Before each September first, recommend options to the governor on budget allocation for improvements or restoration of the capitol premises;

(7) Encourage, participate in, or conduct studies, investigations, and research and demonstrations relating to improvement and restoration of the state capitol it may deem advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007; [and]

(8) Hold hearings, issue notices of hearings and take testimony as the commission deems necessary; **and**

(9) Assume the responsibilities of the capitol review commission and develop written policy that establishes guidelines for selection and placement of plaques, monuments, statues, pictures, and other articles in or on all buildings and grounds at the seat of government and make a determination after a review of all requests from entreating parties as to the installation of such articles.

2. The “Second Capitol Commission Fund” is hereby created in the state treasury. Any moneys received from sources other than appropriation by the general assembly, including from private sources, gifts, donations and grants, shall be credited to the second capitol commission fund and shall be appropriated by the general assembly.

3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the second capitol commission fund shall not be transferred and placed to the credit of the general revenue fund.

4. The commission is authorized to accept all gifts, bequests and donations from any source whatsoever. The commission may also apply for and receive grants consistent with the purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used or expended upon appropriation in accordance with their terms or stipulations, and the gifts, bequests, donations or grants may be used or expended for the preservation, restoration and improved accessibility and for promoting the historical significance of the capitol.

5. The commission may copyright or obtain a trademark for any photograph, written work, art object or any product created of the capital or capital grounds. The commission may grant access, or use, of any such works to other organizations or individuals for a fee, or at its sole discretion, or waive all fees. All funds obtained through licensing fees shall be credited

to the capital commission fund, in a manner similar to funds the commission receives as gifts, donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits, decorations or other beautifications or adornments to the capital or its grounds.; and

Further amend said bill, page 3, section 8.420, line 1, by inserting immediately before all of said section the following:

8.250. 1. “Project” for the purposes of this [chapter] **section** means the labor or material necessary for the construction, renovation, or repair of improvements to real property so that the work, when complete, shall be ready for service for its intended purpose and shall require no other work to be a completed system or component.

2. All contracts for projects[, the cost of which exceeds twenty-five] **costing more than one hundred thousand dollars[,] that are** entered into by any officer or agency of this state or of any city containing five hundred thousand inhabitants or more shall be let to the lowest, responsive, responsible bidder or bidders after notice and publication of an advertisement for five days in a daily newspaper in the county where the work is located, or at least twice over a period of ten days or more in a newspaper in the county where the work is located, and in [two] **one** daily [newspapers] **newspaper** in the state which [do] **does** not have less than fifty thousand daily circulation, and by such other means as are determined to be most likely to reach potential bidders. **For all contracts for projects between ten thousand and one hundred thousand dollars, a minimum of three contractors will be solicited, with award being made to the lowest, responsive, responsible bidder or a previously bid standing contract may be utilized.**

3. The number of such public bids shall not be restricted or curtailed, but shall be open to all persons complying with the terms upon which the

bids are requested or solicited unless debarred for cause. No contract shall be awarded when the amount appropriated for same is not sufficient to complete the work ready for service.

4. Dividing a project into component labor or material allocations for the purpose of avoiding bidding or advertising provisions required by this section is specifically prohibited.

Further amend said bill, page 3, section 8.1000, line 1, by deleting all of subsection 1 and renumbering the rest of said section accordingly.

Further amend said bill, page 23, section 701.450, line 1, by inserting immediately before all of said section the following:

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

(1) "Contractor", a person or business entity who provides construction services under contract to a public entity. Contractor specifically does not include professional engineers, architects or land surveyors licensed pursuant to chapter 327, RSMo, those who provide environmental assessment services or those who design, create or otherwise provide works of art under a city's formally established program for the acquisition and installation of works of art and other aesthetic adornments to public buildings and property;

(2) "Public entity", any official, board, commission or agency of this state or any county, city, town, township, school, road district or other political subdivision of this state;

(3) "Public works", the erection, construction, alteration, repair or improvement of any building, road, street, public utility or other public facility owned by the public entity.

2. (1) It is hereby made the duty of all public entities in this state, in making contracts for public works[, the cost of which is] estimated to exceed twenty-five thousand dollars, to be performed for the public entity, to require every contractor for

such work to furnish to the public entity, a bond with good and sufficient sureties, in an amount fixed by the public entity, and such bond, among other conditions, shall be conditioned for the payment of any and all materials, incorporated, consumed or used in connection with the construction of such work, and all insurance premiums, both for compensation, and for all other kinds of insurance, said work, and for all labor performed in such work whether by subcontractor or otherwise.

(2) The office of administration of the state of Missouri may waive the requirement for bonding established in subdivision (1) of this subsection for contracts that do not exceed one hundred thousand dollars.

3. All bonds executed and furnished under the provisions of this section shall be deemed to contain the requirements and conditions as herein set out, regardless of whether the same be set forth in said bond, or of any terms or provisions of said bond to the contrary notwithstanding.

4. Nothing in this section shall be construed to require a member of the school board of any public school district of this state to independently confirm the existence or solvency of any bonding company if a contractor represents to the member that the bonding company is solvent and that the representations made in the purported bond are true and correct. This subsection shall not relieve from any liability any school board member who has any actual knowledge of the insolvency of any bonding company, or any school board member who does not act in good faith in complying with the provisions of subsection 2 of this section.

5. A public entity may defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, against any claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of a duty under this section.

The provisions of this subsection do not apply in case of malfeasance in office or willful or wanton neglect of duty.

Further amend said bill, page 23, section 701.450, line 1, by inserting immediately before all of said section the following:

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

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

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely

affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

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

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids [and related documents], until the bids are opened; **all related documents, until the intent to award notice has been mailed**; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(d) This exception shall sunset on December 31, 2008;

(20) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open; and

(21) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of

electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 9, by inserting after “**March 1, 2006,**” on said line, the following:

“or any similar resolution adopted by the authority”

Further amend said amendment, page 1, line 18 by inserting after the word “**issued**”, on said line the following:

“The analysis required by this section shall be a public record and shall be transmitted to the general assembly upon receipt by the authority.”.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 1, Line 3 of the Title, by inserting after the word “provisions” the following: “and an emergency clause for a certain section”; and

Further amend said bill, Page 14, Section 1, Line 6 by inserting after all of said line the following:

“Section 2. Prior to any sale, transfer or liquidation of any asset, or agreement to sell, transfer, or liquidate any asset pursuant to a resolution adopted by the Missouri Higher Education Loan Authority on January 31, 2006, and readopted by the authority on March 10, 2006, the authority shall hire an independent firm to conduct an analysis of the financial and legal ramifications of the proposed sale. The financial analysis of the proposed sale shall include an actuarial analysis along with individualized findings as to the effect the proposed sale will have on the authority itself and the effect such sale will have on loan interest rates for current and future student borrowers. The legal analysis shall include findings as to the effect of the proposed sale on the status and securitization of taxable and tax-exempt bonds issued by the authority, the impact of the proposed sale on the holders of such taxable and tax-exempt bonds, and the legality of the use of funds generated from the sale of tax-exempt bonds for purposes other than those for which the bonds were issued.” ; and

Further amend said bill, Page 14, Section 2, by inserting after all of said section the following:

“Section B. Because of the need to provide for timely review, the enactment of section 2 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 2 shall be in full force and effect upon its passage and approval.” ; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Pages 13-14, Section 701.450.4(1), Lines 1-6, by deleting all of said lines.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 904, Page 14, Section 1, Line 6 by inserting after all of said line the following:

“Section 1. 1. Every contractor or other employer working on a public works project in this state shall require each newly hired independent contractor to fill out a federal W-9 form. Copies of the forms shall be forwarded to the department of revenue within thirty days from the hiring of each independent contractor.

2. Any contractor or other employer working on a public works project in this state shall not, in an attempt to avoid tax liability or reporting requirements for any employee, avoid payments to the unemployment compensation fund under chapter 288, RSMo, or avoid payments to the second injury fund under chapter 287, RSMo, denote or treat such employee as an independent contractor, contract labor, or any other term or category implying the absence of an employment relationship.

3. Any interested party, including a bidder, contractor, subcontractor or any person employed on a public works project, or the department of revenue may, upon reasonable suspicion that any contractor or subcontractor is currently or has misclassified employees as independent contractors, file a complaint with the labor and industrial relations commission alleging a violation of this section.

4. Upon receiving such a complaint, the labor and industrial relations commission shall investigate each claim for a determination of a violation of this section. In determining whether

there was a violation of this section, the commission shall compel each contractor or subcontractor to provide records documenting each independent contractor's job title, a description of the work performed on the project and the number of hours the individual in question has worked on the project. Within sixty days of receiving a complaint under this section, the commission shall conduct a hearing to determine a violation of this section. At the hearing, there shall be a rebuttable presumption that any independent contractor who has logged two thousand eighty hours on the project has been misclassified as an independent contractor. This presumption may be rebutted if the employer establishes by a preponderance of the evidence that the independent contractor in question was properly classified. The commission shall have power to administer oaths, take testimony, subpoena and require the attendance of witnesses and the production of accounts, books, papers, records, and other documents. Subpoenas may be signed by any member of the commission. In case of failure to obey a subpoena, and upon application by the commission, any judge of a court of competent jurisdiction of the state in which the commission is sitting or in which the person to whom the subpoena is directed may be found may make an order requiring compliance with the subpoena, and the court may punish failure to obey the order as a contempt.

5. Either party may appeal the commission's finding to the circuit court of Cole County.

6. Any such contractor or other employer who misclassifies an employee as an independent contractor or otherwise misclassifies the employee's employment status shall be fined an amount equal to twice the amount of tax otherwise due on the employee's

taxable wages, payments otherwise due to the unemployment compensation fund under chapter 288, RSMo, and payments otherwise due to the second injury fund under chapter 287, RSMo, to be paid to the department of labor.

7. No such contractor or other employer shall terminate or in any manner discriminate against an employee because the employee has communicated to the employer the intent to seek reclassification as an employee instead of an independent contractor or has communicated the intent to file an action alleging a violation of this section.

8. The director of revenue is authorized to take all necessary action to enforce the provisions of this section, including, but not limited to, taking all actions necessary to collect the fines and taxes due under this section. The director of revenue shall direct to the unemployment compensation fund and to the second injury fund amounts that are collected for payments due to those funds.”; and

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

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conferee change to **SS No. 2** for **SCS** for **HCS** for **HB 1456**, as amended: Senator Green to replace Senator Coleman.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 904**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mayer moved that **SB 1002**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1002, entitled:

An Act to amend chapter 242, RSMo, by adding thereto one new section relating to drainage districts.

Was taken up.

Senator Mayer moved that **HCS for SB 1002** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS for SB 1002** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Koster assumed the Chair.

Senator Kennedy moved that **SCS for SB 1086**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 1086 was again taken up.

Under the provisions of Senate Rule 91, Senator Wilson was excused from voting on the adoption of the **HCS**, 3rd reading of the bill and the emergency clause.

Senator Kennedy moved that **HCS for SCS for SB 1086** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler—33			

NAYS—Senators—None

Nodler Purgason Ridgeway Rupp
 Scott Shields Stouffer Vogel
 Wheeler—33

Absent—Senators—None

Absent with leave—Senators—None

NAYS—Senators—None

Excused from voting—Senator Wilson—1

Absent—Senators—None

Vacancies—None

Absent with leave—Senators—None

On motion of Senator Kennedy, **HCS** for **SCS** for **SB 1086** was read the 3rd time and passed by the following vote:

Excused from voting—Senator Wilson—1

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler—33			

Vacancies—None

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

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

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

Bill ordered enrolled.

NAYS—Senators—None

Senator Scott moved that **SB 818**, with **HA 2**, as amended, and **HA 3**, be taken up for 3rd reading and final passage, which motion prevailed.

Absent—Senators—None

HA 2, as amended, was taken up.

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Senator Scott moved that the above amendment be adopted, which motion failed by the following vote:

Vacancies—None

The President declared the bill passed.

YEAS—Senators

The emergency clause was adopted by the following vote:

Bray Graham—2

YEAS—Senators

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

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Griesheimer	Gross
Klindt	Koster	Loudon	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—28

Absent—Senators

Green Kennedy Mayer Nodler—4

Absent with leave—Senators—None

Vacancies—None

HA 3 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **SB 818**, as amended by **HA 3**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Scott moved that the Senate request the House to recede from its position on **HA 2**, as amended, and take up and pass **SB 818**, as amended by **HA 3**, 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 refuses to adopt **SS**, as amended, for **HCS** for **HB 1900** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 1900**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for

HB 1900, as amended: Senators Shields, Gibbons, Scott, Green and Days.

PRIVILEGED MOTIONS

Senator Scott moved that **SS** for **SCS** for **SB 892**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 892**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 892

An Act to repeal sections 143.471, 301.215, 306.435, 361.711, 361.715, 362.275, 362.445, 408.555, 700.045, 700.111, 700.115, 700.355, 700.360, 700.385, and 700.500, RSMo, and to enact in lieu thereof eighteen new sections relating to financial institutions, with a penalty provision.

Was taken up.

Senator Scott moved that **HCS** for **SS** for **SCS** for **SB 892** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators

Cauthorn	Wheeler—2
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Scott, **HCS** for **SS** for **SCS** for **SB 892**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Cauthorn—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Klindt moved that **SCS** for **SB 1008**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Klindt, **SCS** for **SB 1008**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Clemens, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 756** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 756

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 756;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 756, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Dan Clemens

/s/ John Loudon

/s/ Delbert Scott

/s/ Maida J. Coleman

/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Robert Behnen

/s/ Jay Wasson

/s/ Don Wells

/s/ Sam Page

/s/ Curt Dougherty

Senator Clemens moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Clemens, **CCS** for **HCS** for **SCS** for **SB 756**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 756

An Act to repeal sections 195.017, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.706, 334.708, 334.715, 334.721, 337.500, 337.510, 337.615, 340.222, 340.234, 621.100, and 621.110, RSMo, and to enact in lieu thereof twenty-two new sections relating to licensing and registration of certain professionals.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler

Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Clemens, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 1017**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1017

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 1017, with House Amendment 1, House Amendment 1 to House Amendment 2, and House Amendment 2, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on

House Committee Substitute for Senate Bill No. 1017, as amended;

2. That the Senate recede from its position on Senate Bill No. 1017;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 1017, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Dan Clemens	/s/ Tom Loehner
/s/ Robert Mayer	/s/ Peter Myers
/s/ Bill Stouffer	/s/ Darrell Pollock
/s/ Timothy P. Green	/s/ Charles A. Dake
/s/ Charles Wheeler	/s/ Belinda Harris

Senator Clemens moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

On motion of Senator Clemens, **CCS** for **HCS** for **SB 1017**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 1017

An Act to repeal sections 30.750, 196.931, 196.949, and 196.951, RSMo, and to enact in lieu thereof six new sections relating to agricultural programs.

Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Shields moved that **SB 1124**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1124**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1124

An Act to repeal sections 41.950, 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, 317.018, 324.010, 324.245, 324.247, 324.257, 324.262, 324.265, 324.270, 332.071, 334.103, 334.104, 334.655, 334.660, 334.735, 335.066, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.615, 337.618, 337.668, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.010, 338.035, 338.095, 338.220, 339.010, 339.040, 339.100, 339.507, 339.509, 339.513, 339.519, 339.521, 339.525, 339.532, 340.222, 340.234, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 383.130, 383.133, 537.035, 610.120, 620.010, 621.045, 621.100, 621.110, and 660.315, RSMo, and to enact in lieu thereof one hundred thirty-eight new sections relating to licensing and registration of certain professionals, with penalty provisions.

Was taken up.

Senator Shields moved that **HCS** for **SB 1124**, as amended, be adopted.

Senator Callahan raised the point of order that **HCS** for **SB 1124**, as amended, is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Shields, the motion to adopt **HCS** for **SB 1124**, as amended, was withdrawn, which returned the bill to the Calendar.

RESOLUTIONS

Senator Days offered Senate Resolution No. 3099, regarding the Saint Louis County Department of Health, Clayton, which was adopted.

Senator Days offered Senate Resolution No. 3100, regarding Patricia Russell, St. Louis, which was adopted.

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

SENATE CALENDAR

SEVENTY-FIRST DAY—THURSDAY, MAY 11, 2006

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1302-Cooper (155), et al (Ridgeway)
2. HB 994-Dusenberg, et al (Cauthorn)
3. HCS for HB 1349, with SCS (Clemens)
4. HB 1619-Sutherland, et al, with SCS (Gibbons)
5. HCS for HB 1092, with SCS (Ridgeway)

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|---|---|
| 6. HCS for HB 1059 (Nodler) | 13. HCS for HB 1581 (Champion)
(In Fiscal Oversight) |
| 7. HB 1035-Young (49), et al (Callahan) | 14. HCS for HB 1078, with SCS (Loudon)
(In Fiscal Oversight) |
| 8. HCS for HB 1837, with SCS (Loudon) | 15. HJR 55-Lipke (Crowell) |
| 9. HCS for HB 1137, with SCS (Klindt) | 16. HB 1884-Behnen |
| 10. HCS for HB 1397 (Goodman) | |
| 11. HCS for HB 1075, with SCS (Nodler) | |
| 12. HB 1864-Nolte, et al (Alter) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 566-Dougherty, et al, with SCS & SS
for SCS (pending) | SB 817-Scott, et al |
| SB 617-Koster, with SCS | SB 841-Ridgeway, et al, with SCS |
| SB 635-Cauthorn | SB 849-Mayer, et al, with SS, SA 6
& SA 1 to SA 6 (pending) |
| SB 637-Cauthorn, et al, with SCS & SA 3
(pending) | SB 862-Engler, with SCS |
| SB 642-Scott | SB 998-Champion, with SCS |
| SB 655-Nodler, with SCS | SB 1009-Klindt, with SS (pending) |
| SBs 665 & 757-Engler, with SCS & SA 1
(pending) | SB 1038-Mayer |
| SB 687-Scott and Bartle, with SCS | SB 1049-Shields, with SCS |
| SB 736-Crowell and Cauthorn, with SCS | SB 1092-Klindt, with SCS |
| SB 759-Engler | SB 1104-Cauthorn and Klindt, with SCS |
| SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending) | SB 1114-Goodman & Loudon, with SCS |
| | SB 1188-Gibbons |
| | SB 1217-Goodman |
| | SB 1251-Shields, with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| HCS for HB 978, with SCS (pending)
(Goodman) | HCS for HBs 1145, 1359 & 1121 (Scott) |
| HCS for HBs 1030, 1033, 1146, 1225 &
1326, with SCS, SS for SCS & SA 16
(pending) (Bartle) | HCS for HB 1149, with SCS#2, SS for
SCS#2 & SA 5 (pending) (Klindt) |
| HB 1105-Wilson (119), et al (Scott) | HCS for HB 1275, with SS, SA 4 & points
of order (pending) (Goodman) |
| HB 1118-Dempsey, et al, with SCS#2
(Shields) | HCS for HB 1317 (Goodman) |
| | HB 1411-Smith (150), et al, with SCS
(Scott) |

HB 1446-Whorton, et al (Barnitz)	HCS for HB 1632, with SCS (Engler)
HCS for HB 1485, with SCS (Ridgeway)	HB 1728-Rector, et al, with SCS (Klindt)
HB 1504-Yates, with SCS (Loudon)	HCS for HB 1742, with SCS (Shields)
HB 1521-Richard, et al (Griesheimer)	HCS for HB 1767, with SCS (Bartle)
HCS for HB 1532, with SCS (Griesheimer)	HB 1905-Jetton, et al (Champion)
HCS for HB 1534 (Bartle)	HB 1936-Tilley, with SCS (pending) (Stouffer)
HB 1623-St. Onge, et al, with SS, SA 1 & points of order (pending) (Stouffer)	HJR 28-Jackson (Ridgeway)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

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

Reported 4/12

HB 1169-Cooper (120) (Scott)

HCS for HB 1244 (Engler)

HCS for HB 1551 (Engler)

HCS for HB 1511, with SCS (Shields)

HCS for HB 1135 (Stouffer)

HCS for HB 1710 (Gibbons)

HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)

HB 1424-Franz (Purgason)

HCS for HB 1711 (Gibbons)

Reported 4/13

HB 1088-Schaaf, et al (Scott)

HCS for HB 1037 (Klindt)

HB 1144-May, et al (Clemens)

HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)

HB 1833-Wood, et al (Goodman)

HB 1988-Wagner, et al (Barnitz)

HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 1023-Gibbons, et al, with HCS, as
amended

SB 1124-Shields, with HCS, as amended

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

<p>SCS for SB 666-Engler, with HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SS for SB 696-Nodler, with HCS, as amended</p> <p>SCS for SB 756-Clemens, with HCS (Senate adopted CCR and passed CCS)</p> <p>SCS for SB 773-Cauthorn and Barnitz, with HCS, as amended</p> <p>SS for SCS for SB 832-Griesheimer, with HCS, as amended</p> <p>SCS for SB 932-Scott, with HCS (Senate adopted CCR#2 and passed CCS#2)</p> <p>SCS for SBs 1001, 896 & 761-Griesheimer, with HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SS#2 for SCS for SBs 1014 & 730-Scott, with HCS, as amended (Further conference granted)</p>	<p>SB 1017-Clemens, with HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>HCS for HB 1022, with SCS, as amended (Gross)</p> <p>HCS for HBs 1270 & 1027, with SCS, as amended (Cauthorn)</p> <p>HCS for HB 1306, with SS for SCS, as amended (Crowell)</p> <p>HCS for HB 1456, with SS#2 for SCS, as amended (Ridgeway)</p> <p>HCS for HBs 1698, 1236, 995, 1362 & 1290, with SS for SCS, as amended (Bartle)</p> <p>HCS for HB 1900, with SS, as amended (Shields)</p>
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Requests to Recede or Grant Conference

<p>SB 766-Vogel, with HA 1 (Senate requests House recede or grant conference)</p> <p>SB 818-Scott, with HA 2, as amended (Senate requests House recede and take up and pass the bill)</p> <p>SS for SCS for SB 894-Nodler, with HCS, as amended (Senate requests House recede or grant conference)</p>	<p>SS for SCS for SB 904-Griesheimer, with HCS, as amended (Senate requests House recede or grant conference)</p> <p>HB 1865-Bearden, et al, with SCS, as amended (Shields) (Senate requests House recede and pass the bill or grant further conference)</p>
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RESOLUTIONS

Reported from Committee

SR 2363-Gross

HCR 25-Bowman, et al (Days)

HCR 17-Quinn, et al (Stouffer)

HCR 15-Jetton, et al (Champion)

HCR 9-Ruestman, et al (Ridgeway)

HCR 4-Bruns (Rupp)

HCR 37-Loehner, et al (Barnitz)

HCR 10-Zweifel, et al (Loudon)

SR 2741-Wilson

HCR 18-Kuessner, et al

HCR 41-Sutherland, with SCS (Mayer)

Unofficial
MISCELLANEOUS

REMONSTRANCE 1-Gross

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