

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTY-FOURTH DAY—WEDNESDAY, MAY 2, 2007

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Government is not warfare of interests. We shall not gain our ends by heat and bitterness, which make it impossible to think either calmly or fairly...” (Woodrow Wilson)

Merciful Father, it’s already been an interesting week with yet so much still ahead of us, and “heat” being generated making things more difficult for us to think calmly and deal with each other fairly and rationally. Help us this day to acquire Your spirit within us; so that what is said is helpful, what is done is right in Your eyes, and the people benefit from our efforts. And Lord, we pray for Senator Rupp and ask that the hand of the surgeon is skillful and Your healing is present for him. And for Senator Goodman, that Your healing may be complete and he is restored to full health. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz          Bartle          Bray          Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Goodman          Rupp—2

Vacancies—None

The Lieutenant Governor was present.

President Pro Tem Gibbons assumed the Chair.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HCS** for **SB 376**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HCS** for **SB 376**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 461**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 845**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which was referred **HCS** for **HB 818**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 245**, begs leave to report that it has considered the same and recommends that

the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 820**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

President Kinder assumed the Chair.

### RESOLUTIONS

Senator Shields offered Senate Resolution No. 1167, regarding Neffie Wilson, which was adopted.

Senator Shields offered Senate Resolution No. 1168, regarding Susan Martin, which was adopted.

Senator Shields offered Senate Resolution No. 1169, regarding Robert Brousseau, 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 No. 2** for **SB 406**, entitled:

An Act to repeal sections 87.006, 103.085, 104.010, 104.040, 104.160, 104.312, 104.320, 104.344, 104.352, 104.354, 104.380, 104.395, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1039, 104.1051, 104.1072, 104.1087, 104.1090, 105.660, 105.665, 105.910, 105.915, 105.920, 169.010, 169.070, 169.466, 169.471, 169.670, and 211.393, RSMo, and to enact in lieu thereof forty new sections relating to employee benefit plans.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, House Amendment Nos. 2, 4, 5, 6, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 7, as amended.

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

Amend House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Line 10, by inserting after the word, “**employees**” the following words, “, **in addition to the plans currently offered including but not limited to health maintenance organization plans, preferred provider organization plans, copay plans,**”; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

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

**(1) “Health savings account” or “account”, shall have the same meaning ascribed to it as in 26 U.S.C. Section 223(d), as amended;**

**(2) “High deductible health plan”, a policy or contract of health insurance or health care plan that meets the criteria established in 26 U.S.C. Section 223(c)(2), as amended, and any regulations promulgated thereunder.**

**2. Beginning with the open enrollment period for the 2008 plan year, the board shall offer to all qualified employees and participating public entities the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings account. In no instance shall a qualified employee be required to enroll in a high deductible health plan with a deductible greater than the minimum allowed by law, however, a qualified employee shall have the option to enroll in a high deductible health plan up to the maximum allowed by law. The health savings account shall conform to the guidelines to be established by the Internal Revenue Service for the 2008 tax year but in no case shall a qualified employee be required to contribute more than the minimum amount allowed by law. A qualified employee may contribute up to the maximum allowed by law. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, such individual shall present evidence, in a manner prescribed by regulation, to the board that he or she has established a**

health savings account in compliance with 26 U.S.C. Section 223, and any amendments and regulations promulgated thereto.

3. The board is authorized to promulgate rules and regulations for the administration and implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

4. The board shall issue a request for proposals from insurance carriers interested in offering a high deductible health plan in connection with a health savings account.”; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 2, Section 87.006, by inserting after all of said section the following:

“94.579. 1. The governing body of any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants is hereby authorized to impose, by order or ordinance, a sales tax on all retail sales made within the city which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one percent, and shall be imposed solely for the

purpose of providing revenues for the operation of public safety departments, including police and fire departments, and for pension programs, and health care for employees and pensioners of the public safety departments. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance shall not become effective unless the governing body of the city submits to the voters residing within the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section.

2. The ballot of submission for the tax authorized in this section

shall be in substantially the following form:

Shall ..... (insert the name of the city) impose a sales tax at a rate of ..... (up to one) percent, solely for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter immediately following notification to the department of revenue. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section

by the director of the department of revenue on behalf of any city, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Public Safety Protection

Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the trust fund and credited to the city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such city. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. The director shall keep accurate records of the amounts in the fund, and such records shall be open to the inspection of the officers of such city and to the public. Not later than the tenth day of each month, the director shall distribute all moneys deposited in the fund during the preceding month to the city. Such funds shall be deposited with the treasurer of the city, and all expenditures of moneys from the fund shall be by an appropriation ordinance enacted by the governing body of the city.

4. On or after the effective date of the tax, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body

of the city may authorize the use of a bracket system similar to that authorized in section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions. Beginning with the effective date of the tax, every retailer in the city shall add the sales tax to the sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price. For purposes of this section, all retail sales shall be deemed to be consummated at the place of business of the retailer.

5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax, and all exemptions granted to agencies of government, organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax. The same sales tax permit, exemption certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax. All discounts allowed the retailer under the state sales tax for the collection of and for payment of taxes are hereby allowed and made applicable to the tax. The penalties for violations provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any person is delinquent in the payment of the amount required to be paid under this section, or in the event a determination has been made against the person

for the tax and penalties under this section, the limitation for bringing suit for the collection of the delinquent tax and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of ..... (up to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

7. The governing body of any city that has adopted the sales tax authorized in this section shall submit the question of repeal of the tax to the voters every five years from the date of its inception on a date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the sales tax imposed at a rate of ..... (up

to one) percent for the purpose of providing revenues for the operation of public safety departments of the city?

YES

NO

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

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least two percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

**9. If the tax is repealed or terminated by any means, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the city shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.”; and**

Further amend said bill, Page 44, Section 105.683, Line 1, by inserting after the words, “**Any plan,**” the following words, “**other than a plan created pursuant to sections 169.010 through 169.141 or sections 169.600 through 169.715,**”; and

Further amend said section, Page 44, Line 3, by deleting the word, “**three**” and inserting in lieu thereof the word, “**five**”; and

Further amend said section, Page 44, Line 4, by deleting the word, “**three**” and inserting in lieu thereof the word, “**five**”; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 15, Section 104.320, Line 57, by inserting after the word, “**contracts**” the following words, “**and may employ or contract with third-party advisors**”; and

Further amend said section, Page 15, Line 58,

by inserting after the word, “**section.**” the following words, “**The board shall have the power to borrow money for any of the authorized purposes of the board and to issue negotiable notes, bonds or other instruments in writing in evidence of the sum or sums to be borrowed.**”; and

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

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, by inserting after all of said section the following:

“50.1250. 1. If a member has less than five years of creditable service upon termination of employment, the member shall forfeit the portion of his or her defined contribution account attributable to board matching contributions or county matching contributions pursuant to section 50.1230. The proceeds of such forfeiture shall be applied towards matching contributions made by the board for the calendar year in which the forfeiture occurs. If the board does not approve a matching contribution, then forfeitures shall revert to the county employees' retirement fund. The proceeds of such forfeiture with respect to county matching contributions shall be applied toward matching contributions made by the respective county in accordance with rules prescribed by the board.

2. A member shall be eligible to receive a distribution of the member's defined contribution account in such form selected by the member as permitted under and in accordance with the rules and regulations formulated and adopted by the board from time to time, and commencing as soon as administratively feasible following separation from service, unless the member elects to receive the account balance at a later time, but no later than his or her required beginning date. Notwithstanding the foregoing, if the value of a

member's defined contribution account balance is [five] one thousand dollars or less at the time of the member's separation from service, without respect to any board-matching contributions or employer-matching contribution which might be allocated following the member's separation from service, then his or her defined contribution account shall be distributed to the member in a single sum as soon as administratively feasible following his or her separation from service. The amount of the distribution shall be the amount determined as of the valuation date described in section 50.1240, if the member has at least five years of creditable service. If the member has less than five years of creditable service upon his or her separation from service, then the amount of the distribution shall equal the portion of the member's defined contribution account attributable to the member's seed contributions pursuant to section 50.1220, if any, determined as of the valuation date.

3. If the member dies before receiving the member's account balance, the member's designated beneficiary shall receive the member's defined contribution account balance, as determined as of the immediately preceding valuation date, in a single sum. The member's beneficiary shall be his or her spouse, if married, or his or her estate, if not married, unless the member designates an alternative beneficiary in accordance with procedures established by the board.”; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section A, Line 10, by inserting after all of said line the following:

“86.1230. 1. Any member who retires subsequent to August 28, 1991, with entitlement to a pension under sections 86.900 to 86.1280, shall

receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1991, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent

annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. [In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4.] For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse entitled to a benefit under sections 86.900 to 86.1280 who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such person is the surviving spouse or on the date of death of such member if such member died prior to retirement; provided, that if the surviving spouse of any member who retired prior to August 28, 2000, shall not have remarried prior to August 28, 2000, but remarries thereafter, such surviving spouse shall thereafter receive benefits under subsection 2 of this section, and provided further, that no benefits shall be payable under this section to the surviving spouse of any member who retired prior to August 28, 2000, if such surviving spouse was at any time remarried after the member's death and prior to August 28, 2000. All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280. Any such surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this

section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death. In all events, the term "member" shall not include any children of the member who would be entitled to receive part or all of the pension which would be received by a surviving spouse if living.

**4. Any member who is receiving benefits from the retirement system and who either was retired under the provisions of subdivision (1) of subsection 1 of section 86.1150, or who retired before August 28, 2001, under the provisions of section 86.1180 or section 86.1200, shall, upon application to the retirement board, be retained as a consultant. For such services such member shall receive each month in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1220, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.900 to 86.1280, an equalizing supplemental compensation of ten dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.900 to 86.1280, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the member's base pension. Each cost-of-living adjustment to compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. For the purposes of this**

subsection, the term “member” shall include a surviving spouse entitled to benefits under the provisions of section 86.900 to 86.1280, and who is the surviving spouse of a member who qualified, or would have qualified if living, for compensation under this subsection. Such surviving spouse shall, upon application to the retirement board, be retained as a consultant, and for such services shall be compensated in an amount equal to the compensation which would have been received by the member under this subsection, if living. Any such surviving spouse of a member who dies while entitled to payments under this subsection shall succeed to the full amount of payment under this subsection to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this subsection prior to such member's death. In all events, the term “member” shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

5. A surviving spouse who is entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death prior to August 28, 2007, of a member in service, and who is receiving benefits from the retirement system, shall, upon application to the retirement board, be retained as a consultant, and for such services such surviving spouse shall receive each month an equalizing supplemental compensation of ten dollars per month. A surviving spouse entitled to benefits under the provisions of subsection 1 of section 86.1240 as a result of the death of a member in service on or after August 28, 2007, shall receive each month an equalizing supplemental benefit of ten dollars per month. All benefits payable to a surviving spouse under this subsection shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.900 to 86.1280 and

shall in no way have the effect of reducing benefits otherwise payable to such surviving spouse. The amount of equalizing supplemental benefit or equalizing supplemental compensation under this subsection may be adjusted by cost-of-living adjustments, determined by the retirement board not more frequently than annually, but in no event shall the aggregate of such equalizing supplemental benefit or compensation together with all such cost-of-living adjustments thereto exceed twenty-five percent of the base pension of the surviving spouse. Each cost-of-living adjustment to an equalizing supplemental benefit or compensation under this subsection shall be determined independently of any cost-of-living adjustment to any other benefit under sections 86.900 to 86.1280. In all events the term “surviving spouse” as used in this subsection shall not include any children of the member who would be entitled to receive part or all of the pension that would be received by a surviving spouse, if living.

6. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any benefit or compensation under this section for any member.

[5.] 7. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, [supplemental retirement] any benefit

[payments under subsection 1 of this section and supplemental] or compensation payments [as a consultant under subsection 2 of] **provided under** this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.

86.1600. 1. Any member who retires subsequent to August 28, 1997, **and on or before August 28, 2007**, with entitlement to a pension under sections 86.1310 to 86.1640, **and any member who retires subsequent to August 28, 2007, with entitlement to a pension under sections 86.1310 to 86.1640 and who either has at least fifteen years of creditable service or is retired under subsection 1 of section 86.1560**, shall receive each month, in addition to such member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental retirement benefit of fifty dollars per month. The amount of such supplemental retirement benefit may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

2. Any member who was retired on or before August 28, 1997, and is receiving retirement benefits from the retirement system shall, upon application to the retirement board, be retained as a consultant, and for such services such member shall receive each month, in addition to such

member's base pension and cost-of-living adjustments thereto under section 86.1590, and in addition to any other compensation or benefit to which such member may be entitled under sections 86.1310 to 86.1640, a supplemental compensation in the amount of fifty dollars per month. This appointment as a consultant shall in no way affect any member's eligibility for retirement benefits under the provisions of sections 86.1310 to 86.1640, or in any way have the effect of reducing retirement benefits otherwise payable to such member. The amount of such supplemental compensation under this subsection may be adjusted by cost-of-living adjustments determined by the retirement board not more frequently than annually. [Such determination shall be based on advice of the plan's actuary that the increase in the benefit will not cause the present value of anticipated future plan benefits, calculated on the actuarial assumptions used for the most recent annual valuation, to exceed the sum of the trust fund assets plus the present value of anticipated contributions to the trust fund.]

3. In determining and granting the cost-of-living adjustments under this section, the retirement board shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including provisions for the manner of computation of such adjustments and the effective dates thereof. The retirement board shall provide for such adjustments to be determined once each year and granted on a date or dates to be chosen by the board. The retirement board shall not be required to prorate the initial adjustment to any supplemental retirement benefit or any supplemental compensation under this section for any member.

4. For purposes of subsections 1 and 2 of this section, the term "member" shall include a surviving spouse who is entitled to a benefit under sections 86.1310 to 86.1640, who shall be deemed to have retired for purposes of this section on the date of retirement of the member of whom such

person is the surviving spouse or on the date of death of such member if such member died prior to retirement; **provided, that no benefits shall be payable under this section to the surviving spouse of any member who died while in active service after August 28, 2007, unless such death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment or unless such member had at least fifteen years of creditable service. The surviving spouse of a member who died in service after August 28, 2007, whose death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment shall be entitled to benefits under subsection 1 of this section without regard to such member's years of creditable service.** All benefits payable to a surviving spouse under this section shall be in addition to all other benefits to which such surviving spouse may be entitled under other provisions of sections 86.1310 to 86.1640. Any [such] **qualifying** surviving spouse of a member who dies while entitled to payments under this section shall succeed to the full amount of payment under this section to which such member was entitled at the time of such member's death, including any cost-of-living adjustments received by such member in the payment under this section prior to such member's death.

5. The determination of whether the retirement system will remain actuarially sound shall be made at the time any cost-of-living adjustment under this section is granted. If at any time the retirement system ceases to be actuarially sound, supplemental retirement benefit payments under subsection 1 of this section and supplemental compensation payments as a consultant under subsection 2 of this section shall continue as adjusted by increases or decreases theretofore granted. A member of the retirement board shall have no personal liability for granting increases under this section if that retirement board member

in good faith relied and acted upon advice of a qualified actuary that the retirement system would remain actuarially sound.”; and

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

HOUSE AMENDMENT NO. 1 TO  
HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 7

Amend House Substitute Amendment No. 1 for House Amendment No. 7 to House Committee Substitute No. 2 for Senate Bill No. 406, Page 1, Section 104.010, Line 8, by inserting after the word “nations.”, the following:

**“This provision should remain in effect only insofar as it continues to be consistent with, and does not unduly interfere with, the foreign policy of the United States as determined by the federal government.”;**

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute No. 2 for Senate Bill No. 406, Page 8, Section 104.010, Line 190, by inserting after all of said line the following:

**“3. Notwithstanding any other provision of law, the board of trustees shall immediately enact all necessary provisions and take all necessary actions to ensure that no public funds are invested in entities that have direct financial relationships with the U.S. State Department-designated terrorist-sponsoring states, and to replace any holdings that are divested with comparable investments. This in no way shall apply to any company that is providing humanitarian aid for the citizens of these nations.”;** 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 Representative Wildberger has been removed from the conference committee on **SCS for HCS for HB 8** and Representative Brown (50) has been appointed to the conference committee on **SCS for HCS for HB 8**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Wildberger has been removed from the conference committee on **SCS for HCS for HB 9** and Representative Johnson has been appointed to the conference committee on **SCS for HCS for HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 46**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 665** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** and **SA 3** to **HB 574** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

### REFERRALS

President Pro Tem Gibbons referred **HCS for HB 1055**, with **SCA 1**, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS for HB 1**; **SCS for HCS for HB 2**; **SCS for HCS for HB 3**; **SCS for HCS for HB 4**; **SCS for HCS for HB 5**; **SCS for HCS for HB 6**; **SCS for HCS for HB 7**; **SCS for HCS for HB 8**; **SCS for HCS for HB 9**; **SCS for HCS for HB 10**; **SCS for HCS for HB 11**, as amended; **SCS for HCS for HB 12**; and **SCS for HCS for HB 13** to meet while the Senate is in session, which request was granted.

### HOUSE BILLS ON THIRD READING

Senator Clemens moved that **HB 576** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Clemens, **HB 576** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senator Graham—1

Absent—Senator Kennedy—1

Absent with leave—Senators

Goodman Rupp—2

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.

**HB 255**, with **SCS**, introduced by Representative Bruns, entitled:

An Act to repeal sections 8.294, 37.005, 37.452, and 253.510, RSMo, and to enact in lieu thereof five new sections relating to the office of administration, with an emergency clause.

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

**SCS** for **HB 255**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 255

An Act to repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, 30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

Was taken up.

Senator Vogel moved that **SCS** for **HB 255** be adopted.

Senator Vogel offered **SS** for **SCS** for **HB 255**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 255

An Act to repeal sections 3.070, 8.110, 8.120, 8.180, 8.200, 8.250, 8.255, 8.260, 8.291, 8.294, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505,

30.510, 33.710, 34.010, 34.031, 34.032, 34.040, 34.042, 34.044, 34.065, 34.130, 37.005, 37.010, 37.452, 44.237, 217.575, 251.240, 253.320, 253.510, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, and to enact in lieu thereof fifty-four new sections relating to the office of administration, with an emergency clause.

Senator Vogel moved that **SS** for **SCS** for **HB 255** be adopted.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 255, Page 16, Section 26.225, Line 8, by inserting after all of said line the following:

**“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and**

Further amend said bill, page 17, section 27.100, line 7 by inserting after all of said line the following:

**“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and**

Further amend said bill, page 18, section 28.310, line 6 by inserting after all of said line the following:

**“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and**

Further amend said bill, page 19, section 29.410, line 5 by inserting after all of said line the following:

**“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”; and**

Further amend said bill, page 20, section 30.510, line 4 by inserting after all of said line the

following:

**“4. Under no circumstances shall more than one transition office be established under the provisions of this section.”**

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

At the request of Senator Vogel, **HB 255**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 30**, as amended. Representatives: Stevenson, Sutherland, Cooper (120), Bringer and Zweifel.

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

#### RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

#### RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1170, regarding Christian Ott Elementary School, Independence School District, which was adopted.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 1171, regarding Pat Komoroski, Saint Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 1172, regarding Westchester Elementary School, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1173, regarding Avery Elementary School, Webster Groves School District, which was adopted.

Senator Koster offered Senate Resolution No. 1174, regarding Brigadier General Christopher D. Miller, Whiteman Air Force Base, which was adopted.

Senator Barnitz offered Senate Resolution No. 1175, regarding Daniel Steward, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 1176, regarding the Eightieth Birthday of Bettie L. Koerber, Affton, which was adopted.

On behalf of Senator Rupp, Senator Shields offered Senate Resolution No. 1177, regarding Verna Greber, Troy, which was adopted.

Senator Crowell offered Senate Resolution No. 1178, regarding Michelle Gilmer, which was adopted.

Senator Crowell offered Senate Resolution No. 1179, regarding Trail of Tears State Park, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1180, regarding Regina Guthrie, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1181, regarding Greg Ourth, Benton, which was adopted.

Senator Crowell offered Senate Resolution No. 1182, regarding Blair Moran, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1183, regarding Lloyd Stoner, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1184, regarding Duane DeCota, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1185, regarding Elizabeth Lorenz, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1186, regarding Mike Marshall, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1187, regarding Sikeston American Legion Post 114, which was adopted.

Senator Crowell offered Senate Resolution No. 1188, regarding Food Giant Supermarkets, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1189, regarding MikeRentals, Incorporated, Sikeston, which was adopted.

### THIRD READING OF SENATE BILLS

Senator Loudon moved that **SS** for **SB 303** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Loudon, **SS** for **SB 303** was placed on the Informal Calendar.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 551**, with **SCS**, was placed on the Informal Calendar.

**HB 791**, with **SCS**, introduced by Representative Wilson (130), et al, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

Was taken up by Senator Mayer.

**SCS** for **HB 791**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 791

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the provision of certain claims information by health carriers.

Was taken up.

Senator Scott assumed the Chair.

Senator Mayer moved that **SCS** for **HB 791** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HB 791**

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

#### YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

#### NAYS—Senators—None

#### Absent—Senators—None

#### Absent with leave—Senators

Goodman Rupp—2

#### 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.

### 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 adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 327**.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

May 2, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF  
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice  
and consent the following appointment:

Katie J. Smith, 15855 Country Lane East, Platte City, Platte  
County, Missouri 64079, as the Director of the Department of  
Agriculture, for a term ending at the pleasure of the Governor, and  
until her successor is duly appointed and qualified; vice, L. Matthew  
Boatright, term expired.

Respectfully submitted,  
MATT BLUNT

### CONFERENCE COMMITTEE REPORTS

Senator Griesheimer on behalf of the  
conference committee appointed to act with a like  
committee from the House on **SS** for **SCS** for **HCS**  
for **HB 327**, as amended, moved that the following  
conference committee report be taken up, which  
motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 327

The Conference Committee appointed on  
Senate Substitute for Senate Committee Substitute  
for House Committee Substitute for House Bill  
No. 327, with Senate Amendment Nos. 2, 3, 4, 5,  
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,  
Senate Substitute Amendment No. 1 for Senate  
Amendment No. 22, 23, 24, 25, Senate  
Amendment No. 2 to Senate Amendment No. 27,  
Senate Amendment No. 27 as amended, 28,  
and 29, begs leave to report that we, after free and  
fair discussion of the differences, have agreed to  
recommend and do recommend to the respective  
bodies as follows:

1. That the Senate recede from its position on  
Senate Substitute for Senate Committee Substitute  
for House Committee Substitute for House Bill  
No. 327, as amended;

2. That the House recede from its position on  
House Committee Substitute for House Bill  
No. 327;

3. That the attached Conference Committee  
Substitute for Senate Substitute for Senate  
Committee Substitute for House Committee  
Substitute for House Bill No. 327, be Third Read  
and Finally Passed.

FOR THE HOUSE:

/s/ Ron Richard

/s/ Ed Robb

/s/ Rod Jetton

/s/ Fred Kratky

/s/ Clint Zweifel

FOR THE SENATE:

John Griesheimer

/s/ Chris Koster

/s/ Jason Crowell

/s/ Victor E. Callahan

/s/ Harry Kennedy

Senator Ridgeway assumed the Chair.

Senator Griesheimer moved that the above  
conference committee report be adopted.

At the request of Senator Griesheimer, the  
above motion was withdrawn.

### PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate  
refuse to adopt the **CCR** on **SS** for **SCS** for **HCS**  
for **HB 327**, as amended, and request the House  
grant further conference, which motion prevailed.

### HOUSE BILLS ON THIRD READING

**HB 744**, introduced by Representative St.  
Onge, entitled:

An Act to repeal sections 226.530, 226.580,  
302.545, 302.700, 302.755, 302.775, 311.326,  
390.071, 390.136, and 622.095, RSMo, and to  
enact in lieu thereof nine new sections relating to  
transportation, with penalty provisions.

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

Senator Stouffer offered **SS** for **HB 744**,  
entitled:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 744

An Act to repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.530, 226.527, 226.530, 226.580, 227.107, 238.202, 238.207, 238.208, 238.210, 238.225, 238.230, 238.275, 301.010, 301.030, 301.130, 301.131, 301.140, 301.142, 301.144, 301.150, 301.170, 301.177, 301.200, 301.218, 301.221, 301.225, 301.229, 301.280, 301.301, 301.310, 301.420, 301.440, 301.444, 301.550, 301.560, 301.567, 301.570, 301.640, 301.716, 302.010, 302.272, 302.275, 302.321, 302.545, 302.700, 302.720, 302.755, 302.775, 303.415, 304.015, 304.022, 304.070, 304.170, 304.180, 304.230, 304.281, 306.015, 306.016, 306.535, 307.010, 307.015, 307.090, 307.100, 307.120, 307.125, 307.155, 307.172, 307.173, 307.179, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 390.030, 390.071, 390.136, 407.815, 556.021, 577.029, 577.039, and 622.095, RSMo, and section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof one hundred twenty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

Senator Stouffer moved that **SS** for **HB 744** be

adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 744, Page 58, Section 301.010, Line 15 of said page, by inserting after all of said line the following:

“301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall [retain] **obtain** the odometer information [provided in the vehicle inspection report] **in a manner prescribed by rule**, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of section 301.190. If an insurance company which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, as prior salvage, the vehicle shall only be required to meet the examination requirements under and pursuant to subsection 10 of section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major

component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or which pays a claim on a salvage vehicle as defined in section 301.010 and the insured is retaining ownership of the vehicle, shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle certificate of ownership or documents and fees as otherwise required by law to obtain a salvage certificate of ownership, from the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss

and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.”; and

Further amend said bill, page 88, section 301.144, line 28 of said page, by inserting after all of said line the following:

“301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary, beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an even-numbered model year vehicle shall be renewed each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each odd-numbered calendar year, subject to the following requirements:

(1) The fee collected at the time of biennial registration shall include the annual registration fee plus a pro rata amount for the additional twelve months of the biennial registration;

(2) Presentation of all documentation otherwise required by law for vehicle registration including, but not limited to, a personal property tax receipt or certified statement for the preceding year that no such taxes were due as set forth in section 301.025, **and** proof of [a] **any applicable** motor vehicle safety inspection and any applicable emission inspection conducted within sixty days prior to the date of application and proof of insurance as required by section 303.026, RSMo. **If a motor vehicle owner is exempt from submitting proof of a motor vehicle safety inspection under the provisions of section 307.357, RSMo, then the motor vehicle owner shall submit an affidavit stating that the motor vehicle has fewer than one hundred thousand miles.**

2. The director of revenue may prescribe rules and regulations for the effective administration of this section. The director is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion

of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, 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 July 1, 2000, shall be invalid and void.

3. The director of revenue shall have the authority to stagger the registration period of motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial registration, such registration must be maintained for the full twenty-four month period.”; and

Further amend said bill, page 229, section 307.173, line 4 of said page, by inserting after all of said line the following:

“307.178. 1. As used in this section, the term “passenger car” means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term “passenger car” shall not include motorcycles, motorized bicycles, **or** motor tricycles[, and trucks with a licensed gross weight of twelve thousand pounds or more].

2. Each driver[, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles,] and [front seat] passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons [less than eighteen years of age] operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state

shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. [No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.] The provisions of this section and section 307.179 shall not be applicable to [persons] **any person who [have] possesses documentation from a physician that such person has a medical reason for failing to have a seat belt fastened about their body[, nor shall]. No person shall be found guilty of violating this section or section 307.179 if such person demonstrates that he or she has a medical reason for failing to have a seat belt fastened about their body.** The provisions of this section **shall not** be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179. **Persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles are exempt from the provisions of this subsection.**

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of

the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts **because all existing seat belts are in use** shall sit [in the area] **on the seats** behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section

302.178, RSMo.”; and

Further amend said bill, page 232, section 307.198, line 24 of said page, by inserting after all of said line the following:

**“307.357. 1. Notwithstanding sections 307.350 to 307.390, a motor vehicle owner may renew or reregister the registration plates on a motor vehicle that is otherwise required to be inspected if such vehicle has fewer than one hundred thousand miles, as evidenced by the odometer, without submitting such vehicle to a biennial motor vehicle safety inspection.**

**2. In order to qualify for the exemption set forth in subsection 1 of this section, the owner of such a vehicle shall submit to the director an affidavit, sworn to under the penalty of perjury, stating that the motor vehicle has fewer than one hundred thousand miles.**

**3. The provisions of this section shall not exempt a person from submitting such a motor vehicle to a motor vehicle safety inspection for purposes of initially registering and titling such a vehicle, transferring ownership, or when a motor vehicle safety inspection is otherwise required by law.”; and**

Further amend said bill, page 275, section 577.039, line 15 of said page, by inserting after all of said line the following:

**“643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer; provided that, if such vehicle is inspected and approved prior to sale or transfer, such vehicle shall not be subject to another emissions inspection for ninety days after the date of sale or transfer of such vehicle. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the**

emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle. The department of revenue shall require evidence of [the] **any applicable motor vehicle safety inspection** and emission inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may verify that a successful safety and emissions inspection was completed via electronic means.

2. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles manufactured prior to 1996;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area

subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

(8) School buses;

(9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds;

(10) New motor vehicles that have not been previously titled and registered, for the four-year period following their model year of manufacture[, provided the odometer reading for such motor vehicles are under forty thousand miles at their first required biennial safety inspection conducted under sections 307.350 to 307.390, RSMo; otherwise such motor vehicles shall be subject to the emissions inspection requirements of subsection 1 of this section during the same period that the biennial safety inspection is conducted]; and

(11) Motor vehicles that are driven fewer than twelve thousand miles [between biennial safety inspections] **on a biennial basis.**

3. The commission may, by rule, allow inspection reciprocity with other states having

equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract

and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo.”; and

Further amend said bill, page 280, section D, line 4 of said page, by inserting after all of said line the following:

“Section E. The enactment of section 307.357 and the repeal and reenactment of sections 301.020, 301.147, 307.350, and 643.315 shall become effective January 1, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Graham requested a division of the question on the adoption of **SA 1** requesting that a vote first be taken on the portion of the amendment dealing with section 307.178; and that a second vote be taken on the remainder of the amendment, which request was granted.

Senator Shields moved that Part I of **SA 1** be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Shields moved that Part II of **SA 1** be adopted.

Senator Graham requested a roll call vote be taken on the adoption of Part II of SA 1 and was joined in his request by Senators Callahan, Coleman, Justus and Kennedy.

Part II of SA 1 was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Days	Engler	Gibbons	Green
Gross	Justus	Koster	Lager
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Vogel—20

NAYS—Senators

Barnitz	Bray	Coleman	Crowell
Graham	Griesheimer	Kennedy	McKenna
Purgason	Shoemyer	Smith	Wilson—12

Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

Senator Justus offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting after all of said line the following:

**“Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in the following described real property owned by the state in Jackson County to the city of Kansas City:**

**Parcel # 12-840-27-08-00-0-00-000**

**JOHNSON'S SUB OF O T LANDS  
BEG 460 W 185' S NE CE S SW 1/4  
SE 1/4 TH SW 250' SE 220' NE 250'  
NW 220' TO POB**

**Parcel # 12-840-26-02-00-0-00-000**

**EAST KANSAS**

**LOT 1 & N 10 FT OF LOT 2 BL K 53**

**Parcel # 12-840-26-03-00-0-00-000**

**EAST KANSAS**

**ALL OF LOT 2 (EX N 10') & ALL OF  
LOT 3 & N 10' OF LOT 4 BLK 53**

**2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required, and the time, place, and terms of the sale.**

**3. The attorney general shall approve as to form the instrument of conveyance.”; and**

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Stouffer raised the point of order that SA 2 is out of order as it goes beyond the scope and purpose of the title.

At the request of Senator Justus, SA 2 was withdrawn, rendering the point of order moot.

Senator Loudon offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 744, Page 111, Section 301.280, Line 5, by striking the opening bracket “[”]; and

Further amend said bill, page 111, section 301.280, line 6, by striking the following: “[may”]; and

Further amend said bill, page 111, section 301.280, line 11, by striking the opening bracket “[”]; and

Further amend said bill, page 111, section 301.280, line 14, by striking the closing bracket “]”.

Senator Loudon moved that the above

amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Lines 9-24 of said page, by striking all of said section from the bill; and

Further amend said bill, Page 266, Section 390.030, Line 10 of said page, by inserting an opening bracket “[” immediately before the word “and” at the beginning of said line; and further amend line 11 of said page, by inserting a closing bracket “]” after “vehicles.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 744, Page 61, Section 301.037, Line 24 of said page, by inserting immediately after said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice

shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Stouffer requested a roll call vote be taken on the adoption of **SA 5**. He was joined in his request by Senators Bartle, Callahan, Lager and Crowell.

**SA 5** was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Days	Engler
Graham	Green	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Purgason	Ridgeway
Shoemyer	Smith	Wilson—23	

NAYS—Senators

Clemens	Crowell	Gibbons	Griesheimer
Nodler	Scott	Shields	Stouffer
Vogel—9			

Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

Senator Shields offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 744, Page 73, Section 301.140, Lines 17-18 of said page, by striking the following: “No refunds shall be made on the unused portion of any license plates surrendered for such credit.” and inserting in lieu thereof the following: “**If a motor vehicle is sold and is not being replaced, then any unused portion of the original registration fee, provided such unused portion is in an amount of five**

dollars or greater, may be refunded upon surrender of the license plates. Such refund shall be granted based upon the date the license plates are surrendered.”.

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

Senator Loudon offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 744, Page 260, Section 387.075, Line 26, by inserting after all of said line the following:

“388.700. Sections 388.700 to 388.745 shall be known as “The Regional Railroad Authorities Act.” As used in sections 388.700 to 388.745, unless the context clearly requires otherwise, the following words and terms shall mean:

(1) “Authority”, “railroad authority”, or “regional railroad authority”, a regional railroad authority organized and operated as a political subdivision under sections 388.700 to 388.745;

(2) “Common carrier”, a railroad engaged in transportation for hire;

(3) “Commissioners”, the commissioners of the regional railroad authority;

(4) “Project”, any railroad facilities proposed to be acquired, constructed, improved, or refinanced by an authority, including any real or personal property, structures, machinery, equipment, and appurtenances determined by the authority to be useful or convenient for railroad operations and handling passengers or freight;

(5) “Railroad”, any form of nonhighway ground transportation that runs on rails or electromagnetic guideways. The term “railroad” shall also have the meaning associated to it in 49 U.S.C. Section 20102, as amended;

(6) “Railroad properties and facilities”, any real or personal property or interest in such property which is owned, leased or otherwise controlled by a railroad or other person, including an authority, and which are used or are useful in rail transportation service, including:

(a) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, tressels, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or usable for rail service operation;

(b) Communication and power transmission systems for use by railroads;

(c) Signals, including signals and interlockers;

(d) Terminal or yard facilities and services to express company and railroads and their shippers, including ferries, tugs, car floats and related shoreside facilities designed for the transportation of equipment by water;

(e) Shop or repair facilities or any other property used or capable of being used in rail freight transportation services or in connection with such services or for originating, terminating, improving and expediting the movement of equipment or goods;

(6) “Real property”, lands, structures, improvements thereof, and water and riparian rights, and any and all interests and estates therein, legal or equitable, including but not limited to easements, rights-of-way, uses, leases, and licenses.

388.703. The purpose of an authority established and operated under sections 388.700 to 388.745 is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of

railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare. The acquisition of real property under sections 388.700 to 388.745; the planning, acquisition, establishment, construction, improvement, maintenance, equipment, operation, regulation, and protection of authority facilities; and the exercise of powers granted to authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for public purpose, and matters of public necessity. All real property and other property acquired and used by or on behalf of an authority or other public agency, as provided in sections 388.700 to 388.745, shall be used for public and governmental purposes and as a matter of public necessity.

**388.706. 1.** Every municipality or county within this state is authorized to form a regional railroad authority under the provisions of this section.

**2.** A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution. A resolution organizing an authority shall state:

(1) That the authority is organized under the provisions of sections 388.700 to 388.745 as a political subdivision of Missouri;

(2) The proposed name of the authority, including the words “regional railroad authority”;

(3) The county, counties, municipality or

municipalities adopting the organization resolution;

(4) The number of commissioners of the authority, not less than five; the number to be appointed by the governing body of each county or municipality; and the names and addresses of the board of commissioners;

(5) The city and county in which the registered office of the authority is to be situated;

(6) That neither the state of Missouri, the municipality or municipalities, nor any other political subdivision is liable for obligations of the authority; and

(7) Any other provision for regulating the business of the authority determined by the governing body or bodies adopting the resolution.

**388.709.** Before final adoption of an organization resolution, the governing body of each county or municipality named in it shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. The notice of a hearing by the governing body of a county shall be mailed to the governing body of each municipality in the county, except municipalities participating in the organization, at least thirty days before the hearing. The hearing may be adjourned from time to time, to a time and place publicly announced at the hearing, or to a time and place fixed by notice published in a newspaper of general circulation in the county or municipality at least ten days before the adjourned session. Joint hearing sessions may be held by the governing bodies of all counties or municipalities named, at any convenient public place within any of the counties or municipalities. The resolution may be amended by the governing body or bodies at or after any hearing session at which the amended resolution is proposed and made

available to interested citizens. It shall not become effective until adopted in identical form by the governing bodies of all counties or municipalities named in the resolution.

**388.712.** Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority under section 388.715, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted pursuant to section 388.706. A copy of the organization resolution, certified by the recording officer of each municipality or county adopting it, shall be filed with the secretary of state, who shall issue a certificate of incorporation if the resolution conforms to the requirements of this section, stating in the certificate the name of the authority and the date of its incorporation, which shall be the date of acceptance for filing. The certificate of incorporation shall be conclusive evidence of the valid organization and existence of the authority.

**388.715. 1.** All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

**2.** The board of commissioners shall by resolution establish the time and place or places of its regular meetings and the method and notice required for calling special meetings, all of which shall be open to the public. A majority of the commissioners being present at a meeting, any action may be taken by resolution

or motion adopted by recorded vote of a majority of those present, unless a larger majority is required by bylaws adopted by the board.

**3.** The board of commissioners shall appoint a chair, vice-chair, secretary, and treasurer from its members, each to serve for a term of one year and until a successor is appointed. The offices of secretary and treasurer may be combined, and deputies or assistants may be appointed for either office or the combined office, from members of the board or otherwise. The powers and duties of each office shall be determined by the board, which shall require and pay for a surety bond for each officer handling funds. The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted. The state auditor shall annually audit the books of said regional railroad authority.

**388.718.** An authority may exercise all the powers necessary or desirable to implement the powers specifically granted in sections 388.700 to 388.745, and in exercising the powers is deemed to be performing an essential governmental as a political subdivision of the state. Without limiting the generality of the foregoing, the authority may:

(1) Sue and be sued, have a seal, and have perpetual succession;

(2) Execute contracts and other instruments and take other action as may be necessary to carry out the purposes of sections 388.700 to 388.745;

(3) Receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of sections 388.700 to 388.745. Federal money accepted under this section shall be accepted and spent by the authority upon terms and conditions

prescribed by the United States and consistent with state law. All state money accepted under this section shall be accepted and spent by the authority upon terms and conditions prescribed by the state.

(4) Sell, lease, or otherwise dispose of real or personal property acquired under sections 388.700 to 388.745. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

388.721. 1. The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock.

2. The authority may apply to any public agency for permits, consents, authorizations, and approvals required for any project and take all actions necessary to comply with their conditions.

388.724. The authority may exercise the power of eminent domain under chapter 523, RSMo, except that it shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board or a successor agency, if any, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property. All property taken for the exercise of the powers granted herein is declared to be taken for a public governmental purpose and as a matter of public necessity.

388.727. The state of Missouri and any

political subdivision or municipal corporation thereof may in its discretion, with or without consideration, transfer or cause to be transferred to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property within a regional railroad authority district or any property wherever situated. Nothing in this section, however, shall in any way impair, alter or change any obligations, contractual or otherwise, heretofore entered into by said entities.

388.730. The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom. Subject to any agreement with bondholders, it may invest money not required for immediate use, including bond proceeds, in the securities it shall deem prudent, notwithstanding the provisions of any other law relating to the investment of public funds.

388.733. The authority shall be subject to tort liability to the extent provided in chapter 537, RSMo, and may procure insurance against the liability, and may indemnify and purchase and maintain insurance on behalf of any of its commissioners, officers, employees, or agents. It may also procure insurance against loss of or damage to property in the amounts, by reason of the risks, and from the insurers as it deems prudent.

388.736. The state may make grants to a regional railroad authority, as appropriated by the general assembly, to be allocated by the department of transportation to regional railroad authorities. The authority may accept, contract for, and receive and disburse federal, state, and other funds or property, public or private, made available by grant, loan, or lease, to be used in the exercise of any of its powers,

and may comply with the terms and conditions of the grant or loan.

**388.739. 1.** Every regional railroad authority, organized under the provisions of sections 388.700 to 388.745, may from time to time issue its negotiable revenue bonds or notes in such principal amounts as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities, that may be necessary to carry out the provisions of sections 388.700 to 388.745.

**2.** The state shall not be liable on any notes or bonds of any regional railroad authority. Any such notes or bonds shall not be a debt of the state and shall contain on the faces thereof a statement to such effect.

**3.** No commissioner of any regional railroad authority or any authorized person executing authority notes or bonds shall be liable personally on said notes or bonds or shall be subject to any personal liability or accountability by reason of the issuance thereof.

**4.** No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income therefrom shall, at all times, be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers.

**5.** Every authority shall have the powers and be governed by the procedures now or hereafter conferred upon or applicable to the environmental improvement authority, chapter 260, RSMo, relating to the manner of issuance of revenue bonds and notes, and the port authority shall exercise all such powers and adhere to all such procedures insofar as they

are consistent with the necessary and proper undertaking of its purposes.

**388.742.** The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

(1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;

(2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;

(3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and

(4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which shall be reasonable and uniform for the same class of privilege or service.

**388.745.** If, at any time, the governing body of any city or county that organized a regional railroad authority, votes, by majority, to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission of the state. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shoemyer offered SA 8:

## SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 744, Page 130, Section 301.560, Line 13, by inserting immediately after said line the following:

**“For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealers license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer’s number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.”.**

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

Senator Koster offered **SA 9**:

## SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Bill No. 744, Page 245, Section 379.130, Lines 10-26 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Justus offered **SA 10**:

## SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Bill No. 744, Page 275, Section 1, Line 23, by inserting immediately after said line the following:

**“Section 2. The director of the department of revenue shall include with the registration notice required by section 301.040, RSMo, a**

**voter registration application form that conforms with the provisions of section 115.160, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

At the request of Senator Stouffer, **HB 744**, with **SS**, as amended (pending), was placed on the Informal Calendar.

## 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 refuses to recede from its position on **HCS** for **SB 25**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 64**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 81**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 198** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 272**, entitled:

An Act to repeal sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional licensing of certain occupations, with penalty provisions.

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 407**.

Bill ordered enrolled.

Also,

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 322**, entitled:

An Act to repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

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 **HCS** for **SB 166**, entitled:

An Act to repeal section 407.610, RSMo, and section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular

session, and to enact in lieu thereof five new sections relating to tourism.

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 **HCS** for **SB 270**, entitled:

An Act to repeal sections 590.120 and 590.190, RSMo, and to enact in lieu thereof two new sections relating to the POST commission.

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 **HCS** for **SCS** for **SB 288** and **SB 152** and **SCS** for **SB 115**, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Emergency clause adopted.

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 298**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 397**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **SB 172**.

Bill ordered enrolled.

Also,

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 127**, entitled:

An Act to repeal sections 104.040 and 104.160, RSMo, and to enact in lieu thereof two new sections relating to the highway patrol retirement system.

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 refuses to grant further conference on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and request the Senate to take up and adopt the **CCR** on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and Third Read and finally pass **CCS** for **SS** for **SCS** for **HCS** for **HB 327**.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
May 2, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert D. Onder, Jr., 2090 Key Harbour Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as a member of the Life Sciences Research Board, for a term ending April 8, 2010, and until his successor is duly appointed and qualified; vice, Donna Beck Smith, term expired.

Respectfully submitted,  
MATT BLUNT

President Pro Tem Gibbons referred the above appointment and the appointment appearing on Page 1176 to the Committee on gubernatorial Appointments.

### REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 820**; **HCS** for **HB 818**, with **SCS**; and **HCS** for **HB 461** to the Committee on Governmental Accountability and Fiscal Oversight.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 25**, as amended: Senators Champion, Goodman, Stouffer, Days and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 64**, as amended: Senators Goodman, Shields, Mayer, Smith and Wilson.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 81**, as amended: Senators Griesheimer, Koster, Engler, Callahan and McKenna.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 198**: Senators Mayer, Clemens, Stouffer, Wilson and Barnitz.

### BILLS DELIVERED TO THE GOVERNOR

**CCS** for **HCS** for **SB 376**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

### RESOLUTIONS

Senator Green offered Senate Resolution No. 1190, regarding Michael A. Gavura, O'Fallon,

which was adopted.

Senator Green offered Senate Resolution No. 1191, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard H. "Dick" Kellett, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1192, regarding Paul G. Lane, Saint Louis, which was adopted.

Senator Green offered Senate Resolution No. 1193, regarding Colby Barnett, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1194, regarding Thomas Joseph "T.J." Dougherty, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1195, regarding Michael S. "Mike" Fitzmaurice, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1196, regarding Joshua Robert "Josh" Hanten, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1197, regarding Matthew Douglas "Matt" Hendrich, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1198, regarding Michael Anthony "Mike" Hendrich, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 1199, regarding William Andrew "Will" LaChance, Jennings, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

### RECESS

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

### PRIVILEGED MOTIONS

Senator Crowell moved that the Senate refuse to concur in **HCS No. 2** for **SB 406**, 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.

### HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS, SS** for **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 10** was again taken up.

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

At the request of Senator Crowell, **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

**HB 41**, with **SCS**, introduced by Representative Portwood, entitled:

An Act to repeal section 86.365, RSMo, relating to special advisors to police departments.

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

**SCS** for **HB 41**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 41

An Act to repeal sections 86.365, 195.503, 590.040, and 650.120, RSMo, and to enact in lieu thereof three new sections relating to law enforcement, with an emergency clause for certain sections.

Was taken up.

Senator Loudon moved that **SCS** for **HB 41** be adopted.

Senator Kennedy offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting after all of said line the following:

"84.120. 1. No person shall be appointed or

employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the [exclusive] jurisdiction in the premises.

**2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.**

**3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.**

**4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:**

**(a) Presiding over a disciplinary matter from its inception through to the final hearing;**

**(b) Preparing a report to the board of police commissioners; and**

**(c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.**

**(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.**

**(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.**

**5. Hearing officers shall be selected in the following manner:**

**(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;**

**(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;**

**(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.**

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that

probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

**3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons offered SA 2:

## SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 41, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

“43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed **from the uniformed membership of the patrol** by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to being appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office [and reside] in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one director of radio, each of whom shall have the same qualifications as the superintendent, nor more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so that the total number of members of the patrol shall not exceed nine hundred sixty-five officers and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

2. In case of a national emergency the superintendent may name additional patrolmen and radio personnel in a number sufficient to replace,

temporarily, patrolmen and radio personnel called into military services.

3. **The superintendent may enter into an agreement with the Missouri gaming commission to enforce any law, rule, or regulation, conduct background investigations under the laws of this state, and enforce the regulations of licensed gaming activities governed by chapter 313, RSMo. A notice of either party to terminate or modify the provisions of such agreement shall be in writing and executed not less than one year from the effective date of the termination or modification, unless mutually agreed upon by the superintendent and the Missouri gaming commission.** Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of [three] **five** years.

4. [Members] **Member positions** of the patrol [hired] **originally acquired** in conjunction with the community-oriented policing services federal grant or members assigned to fulfill the duties established in sections 43.350 to 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

5. Applicants shall not be discriminated against because of race, creed, color, national origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the superintendent, or some member of the patrol designated by him.] The superintendent[, with the consent and approval of the commission,] shall employ such clerical

force, radio operators, and other subordinates, and shall provide such office equipment, stationery, postage supplies, [telegraph] **communication** and telephone facilities as he or she shall deem necessary for **general headquarters located at Jefferson City, Missouri**, and shall also provide offices, equipment, stationery, postage, clerical force, **communication, telephone**, and other subordinates for the headquarters of each [district] **troop or division** of the patrol. The state highway patrol [radio network] **communications division** shall be under the control of and at the service of the superintendent for such regular and emergency [bulletins] **communications**, and service as the superintendent may require [from time to time].

43.220. Neither the governor[, the commission,] nor the superintendent shall have any power, right or authority to command, order or direct any member of the patrol to perform any duty or service not authorized [by this chapter] **under state statute.**

43.530. **1.** For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request for criminal history record information not based on a fingerprint search [when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and]. **In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting**

entities exceed fifteen dollars per request.

**2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search[. Each such], unless the request is required under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case, the fee shall be fourteen dollars.**

**3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.**

**43.546. 1. Any state agency, board, or commission may require the fingerprinting of applicants in specified occupations or appointments within the state agency, board, or commission for the purpose of positive identification and receiving criminal history record information when determining an applicant's ability or fitness to serve in such occupation or appointment.**

**2. In order to facilitate the criminal**

**background check under subsection 1 of this section on any person employed or appointed by a state agency, board, or commission, and in accordance with section 43.543, the applicant or employee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all records related to any criminal history information discovered shall be accessible and available to the state agency making the request.**

**43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall conduct name or fingerprint background investigations of gubernatorial appointees. The governor's directive shall state whether the background investigation shall be a name background investigation or a fingerprint background investigation. In addition, the patrol may, at the governor's direction, conduct other appropriate investigations to determine if an applicant or appointee is in compliance with section 105.262, RSMo, and other necessary inquiries to determine the person's suitability for positions of public trust.**

**2. In order to facilitate the fingerprint background investigation under subsection 1 of this section, and in accordance with the provisions of section 43.543, the appointee shall submit a set of fingerprints collected under the standards determined by the Missouri highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded to the highway patrol to be used to search the state criminal history repository and the fingerprints shall be forwarded to the Federal Bureau of Investigations for a national criminal**

**background check. Any background investigation conducted at the direction of the governor under subsection 1 of this section may include criminal history record information and other source information obtained by the highway patrol.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Loudon moved that **SCS** for **HB 41**, as amended, be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 41**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SCS** for **HB 41**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**PRIVILEGED MOTIONS**

Senator Engler moved that **SB 322**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 322**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 322**

An Act to repeal sections 8.007, 8.110, 8.120, 8.177, 8.250, 8.255, 8.291, and 304.190, RSMo, and to enact in lieu thereof six new sections relating to construction-related activities.

Was taken up.

Senator Engler moved that **HCS** for **SB 322** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna

Nodler	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Bray	Coleman	Purgason—3
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Absent—Senators—None

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

On motion of Senator Engler, **HCS** for **SB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Scott
Shields	Shoemyer	Stouffer	Vogel
Wilson—25			

NAYS—Senators

Bray	Coleman	Days	Justus
Purgason	Smith—6		

Absent—Senator Crowell—1

Absent with leave—Senators

Goodman	Rupp—2
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Vacancies—None

The President declared the bill passed.

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

Senator Engler 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 Engler moved that **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 288 and  
SENATE BILL NO. 152 and  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 115

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Engler moved that **HCS** for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 288**, **SB 152** and **SCS** for **SB 115**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

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

Senator Engler 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 Loudon moved that **SCS** for **SB 302**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was taken up.

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

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators

Barnitz Bray—2

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

On motion of Senator Loudon, **SCS** for **SB 302**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators

Barnitz Bray Shoemyer—3

Absent—Senators—None

Absent with leave—Senators

Goodman Rupp—2

Vacancies—None

The President declared the bill passed.

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

Senator Loudon 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 Scott moved that **SCS** for **SB 272**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

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

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

An Act to repeal sections 41.950, 214.275, 214.340, 327.621, 331.030, 333.011, 333.121, 334.610, 334.625, 337.510, 337.715, 338.035, 338.220, 339.507, 339.513, 339.519, 339.521, 339.525, and 660.315, RSMo, and to enact in lieu thereof twenty-four new sections relating to professional licensing of certain occupations, with penalty provisions.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Scott moved that **HCS** for **SCS** for **SB 272** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer

McKenna      Nodler      Purgason      Ridgeway  
 Scott          Shields      Shoemyer      Smith  
 Stouffer      Vogel      Wilson—31

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators

Goodman      Rupp—2

Vacancies—None

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman      Rupp—2

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 Scott moved that **SB 270**, with **HCS**,

be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 270**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270**

An Act to repeal sections 590.120 and 590.190, RSMo, and to enact in lieu thereof two new sections relating to the POST commission.

Was taken up.

Senator Scott moved that **HCS for SB 270** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Bray          Gross—2

Absent with leave—Senators

Goodman      Rupp—2

Vacancies—None

On motion of Senator Scott, **HCS for SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Scott	Shields	Shoemyer

Smith            Stouffer            Vogel            Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Goodman            Rupp—2

Vacancies—None

Senator Shields assumed the Chair.

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

Bill ordered enrolled.

Senator Griesheimer moved that **SB 166**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 166**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 166

An Act to repeal section 407.610, RSMo, and section 67.1000, as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof five new sections relating to tourism.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 166** be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

Senator Griesheimer moved that the Senate

refuse to concur in **HCS** for **SB 166** and request the House to recede from its position and take up and pass **SB 166**, which motion prevailed.

Senator Stouffer moved that the Senate refuse to recede from its position on **SA 1** and **SA 3** to **HB 574** and grant the House a conference thereon, which motion prevailed.

Senator Ridgeway moved that the Senate refuse to recede from its position on **SS** for **HB 665**, as amended, and grant the House a conference thereon, and further that the conferees be allowed to exceed the differences on language concerning the assessors, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

**SB 644** was placed on the Informal Calendar.

**SB 372** and **SB 366**, with **SCS**, were placed on the Informal Calendar.

**SB 388**, with **SCS**, was placed on the Informal Calendar.

Senator Stouffer moved that **SB 225**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 225

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 225** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SB 225**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 225

An Act to repeal section 21.750, RSMo, and to enact in lieu thereof two new sections relating to hunting heritage protection.

Senator Stouffer moved that **SS** for **SCS** for **SB 225** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SB 225** was declared perfected and ordered printed.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HB 574**, with **SA 1** and **SA 3**: Senators Stouffer, Rupp, Bartle, Kennedy and McKenna.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HB 665**, as amended: Senators Ridgeway, Griesheimer, Engler, Shoemyer and Kennedy.

### HOUSE BILLS ON THIRD READING

Senator Crowell moved that **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Crowell, **SS** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, as amended, was withdrawn.

Senator Crowell offered **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 444, 217, 225, 239, 243,  
297, 402 and 172

An Act to repeal sections 143.121, 143.124, and 143.431, RSMo, and to enact in lieu thereof five new sections relating to income taxation.

Senator Crowell moved that **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Justus, Nodler, Shoemyer and Stouffer.

Senator Koster assumed the Chair.

**SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** was adopted by the following vote:

#### YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Scott
Shields	Smith	Stouffer	Vogel
Wilson—29			

#### NAYS—Senators

Bray	Justus	Shoemyer—3
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#### Absent—Senators—None

#### Absent with leave—Senators

Goodman	Rupp—2
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#### Vacancies—None

Senator Crowell moved that **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **HCS** for **HBs 444, 217, 225, 239, 243, 297, 402** and **172** to the Committee on Governmental Accountability and Fiscal Oversight.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 225**, begs leave to report that it has examined the same and finds that

the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### INTRODUCTIONS OF GUESTS

The President introduced to the Senate, his brothers, Dr. Mark Kinder and Frank Kinder, Cape Girardeau.

Senator Nodler introduced to the Senate, Dr. Donna Beegle, Portland, Oregon.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

On behalf of Senator Koster, the President introduced to the Senate, Valeta McGhee, Odessa; Linda and Jim Hammontree, Pleasant Hill; and John Beeman, Harrisonville.

Senator Engler introduced to the Senate, Superintendent Earlene Fox, parents and students from Lesterville School.

Senator Griesheimer introduced to the Senate, Shirley Hillhouse, Cathy Day and fourth grade

students from Labadie Elementary School; and Pat Prugh, St. Clair.

Senator Kennedy introduced to the Senate, Cheryl Reinerman and Rhonda Hageman, MSN, APRN, BC, St. Louis; Vijayalakshmi Vellaichamy, Fenton; and Anndee Glick, High Ridge.

Senator Days introduced to the Senate, Jim Ward, Tom Bamukais and Malon Argint, Special School District, St. Louis.

Senator Bartle introduced to the Senate, Michella Reed, Tori Kelley and fourth grade students from Underwood Elementary School, Lee's Summit; and Michella was made an honorary page.

Senator Scott introduced to the Senate, Chris Rutter and Scott Brooks, Clinton.

Senator Loudon introduced to the Senate, John Schwaig, Jesse Cooper, Dale Turvey, Bernie Federko, Al Roy and Vic Turvey, St. Louis.

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

### SENATE CALENDAR

—————  
SIXTY-FIFTH DAY—THURSDAY, MAY 3, 2007  
—————

### FORMAL CALENDAR

### THIRD READING OF SENATE BILLS

SS for SB 570-Clemens

SS#4 for SCS for SB 430-Shields

SS for SCS for SB 225-Stouffer

### SENATE BILLS FOR PERFECTION

1. SB 571-Mayer, with SCS

2. SB 652-Coleman and Gibbons, with SCS

3. SB 699-Lager, with SCS

4. SB 11-Coleman, with SCS

- |   |                                    |
|---|------------------------------------|
| 5. SB 536-Lager, with SCS                     | 9. SJR 15-Green                    |
| 6. SB 552-Bartle                              | 10. SB 629-Smith, with SCS         |
| 7. SB 484-Stouffer, with SCS                  | 11. SB 122-Bray and Days, with SCS |
| 8. SBs 348, 626 & 461-Koster, et al, with SCS | 12. SB 491-Ridgeway                |

#### HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HCS for HB 74 (Scott)<br>(In Fiscal Oversight)         | 13. HCS for HBs 654 & 938 (Crowell)                              |
| 2. HCS for HB 184 (Rupp)                                  | 14. HJR 19-Bearden, et al (Ridgeway)                             |
| 3. HCS for HB 741 (Koster)                                | 15. HCS for HB 181 (Rupp)  |
| 4. HCS for HB 182   | 16. HCS#2 for HB 28 (Mayer)                                      |
| 5. HB 686-Smith (150) and Tilley (Stouffer)               | 17. HCS for HB 1055, with SCA 1 (Scott)<br>(In Fiscal Oversight) |
| 6. HB 488-Wasson (Stouffer)<br>(In Fiscal Oversight)      | 18. HCS for HB 461 (Shields)<br>(In Fiscal Oversight)            |
| 7. HCS for HB 165, with SCS                               | 19. HCS for HB 845 (Crowell)                                     |
| 8. HB 579-Dempsey, et al (Shields)                        | 20. HCS for HB 818, with SCS<br>(In Fiscal Oversight)            |
| 9. HB 462-Munzlinger, et al (Purgason)                    | 21. HCS for HB 245 (Stouffer)                                    |
| 10. HB 134-Guest, et al (Nodler)<br>(In Fiscal Oversight) | 22. HCS for HB 820 (Engler)<br>(In Fiscal Oversight)             |
| 11. HCS for HB 894, with SCS (Days)                       |  |
| 12. HB 1014-Wright, et al, with SCS (Mayer)               |  |

#### INFORMAL CALENDAR

#### THIRD READING OF SENATE BILLS

SS for SB 303-Loudon

#### SENATE BILLS FOR PERFECTION

- |                                   |  |
|-----------------------------------|--|
| SB 2-Gibbons, with SCS            | SB 155-Engler, with SCS & SS for SCS<br>(pending)                  |
| SB 17-Shields, with SCS           | SB 160-Rupp, with SCS  |
| SB 20-Griesheimer, with SCS       | SB 168-Mayer and Crowell, with SCS, SS<br>for SCS & SA 1 (pending) |
| SB 27-Bartle and Koster           | SB 169-Rupp, with SCS, SS for SCS & SA 3<br>(pending)              |
| SB 53-Koster and Engler, with SCS | SB 205-Stouffer and Gibbons, with SCS                              |
| SB 101-Mayer                      |  |
| SB 131-Rupp                       |  |
| SB 153-Engler, et al, with SCS    |  |

SB 212-Goodman	SB 453-Scott, with SCS
SB 213-McKenna	SB 458-Gibbons
SB 242-Nodler, with SCS	SB 476-Crowell
SB 250-Ridgeway and Vogel	SB 480-Ridgeway, et al, with SCS
SB 252-Ridgeway and McKenna	SB 492-Crowell
SB 254-Nodler, et al, with SCS	SB 499-Engler and Clemens, with SCS
SBs 260 & 71-Koster, et al, with SCS	SB 511-Scott, with SCS
SB 274-Shields	SB 521-Lager, et al, with SCS
SB 282-Griesheimer, with SCS & SS for SCS (pending)	SB 523-Scott, with SCS
SB 287-Crowell and Vogel, with SS (pending)	SB 531-Gibbons, with SCS
SB 292-Mayer	SB 534-Nodler
SB 297-Loudon, with SCS	SB 537-Lager
SB 300-Bartle	SB 542-Scott, with SCS
SB 341-Goodman, with SCS	SBs 555 & 38-Gibbons, with SCS
SB 363-Bartle	SB 563-Lager, with SCS & SS for SCS (pending)
SB 364-Koster, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 572-Vogel
SBs 370, 375 & 432-Scott and Koster, with SCS & SA 5 (pending)	SB 586-Crowell, with SCS
SBs 372 & 366-Justus and Koster, with SCS	SB 592-Scott, with SCS
SB 385-Gibbons, with SCS	SB 599-Engler, with SCS
SB 388-Mayer, with SCS	SB 627-Ridgeway
SB 400-Crowell, et al	SB 635-Loudon, with SCS
SB 444-Goodman	SB 644-Griesheimer
	SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
	SB 698-Ridgeway, et al, with SCS

### HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HB 255-Bruns, with SCS & SS for SCS (pending) (Vogel)
SCS for HB 41-Portwood (Loudon) (In Fiscal Oversight)	HB 265-Cunningham (86), with SA 5 (pending) (Rupp)
HB 46-Viebrock and Stevenson (Stouffer)	HB 267-Jones (117) and Cunningham (86), with SA 5 (pending) (Rupp)
HB 69-Day, with SCS (Barnitz)	HB 269-Nolte, et al (Ridgeway)
HB 125-Franz, with SCS (Shoemyer)	HCS for HB 272 (Goodman)
HCS for HB 135, with SCS (Koster)	HCS for HB 298, with SCS (Engler)
HB 155-Dusenbergh, et al (Ridgeway)	HCS for HB 346 (Clemens)
HB 220-Stevenson (Nodler)	
HCS for HB 221 (Loudon)	

SS#2 for SCS for HCS for HBs 444, 217, 225,  
239, 243, 297, 402 & 172 (Crowell)

(In Fiscal Oversight)

HB 454-Jetton, et al (Mayer)

HCS for HB 469, with SCS (Crowell)

HB 489-Baker (123), et al, with SCS  
(Shields)

HB 526-Pratt (Loudon)

HCS for HB 551, with SCS (Koster)

HB 596-St. Onge, with SCS (Stouffer)

HCS for HB 620, with SCS (Ridgeway)  
HB 744-St. Onge, with SS (pending)

(Stouffer)

HCS for HB 774 (Crowell)

HCS for HB 780, with SCS (Scott)

HB 875-Franz, with SCS (Purgason)

HCS for HJR 1, with SCS (Rupp)

HJR 7-Nieves, et al, with SCS (pending)

(Engler)

Unofficial  
CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Journal  
Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

Copy

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 62 & 41-Goodman and Koster,  
with HCS, as amended

SB 127-Mayer, with HCS

SB 416-Goodman, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended

SB 30-Nodler and Ridgeway, with HCS, as  
amended

SCS for SB 64-Goodman and Koster, with  
HCS, as amended

SB 81-Griesheimer, with HCS, as amended

SCS for SB 198-Mayer, with HCS	HCS for HB 10, with SCS (Gross)
SB 233-Crowell, with HAs 1, 2, 3, 4	HCS for HB 11, with SCS, as amended
& 5	(Gross)
SCS for SB 308-Crowell, et al, with HCS,	HCS for HB 12, with SCS (Gross)
as amended	HCS for HB 13, with SCS (Gross)
HB 1 (Icet), with SCS (Gross)	HCS for HB 327, with SS for SCS, as
HCS for HB 2, with SCS (Gross)	amended (Griesheimer) (House
HCS for HB 3, with SCS (Gross)	requests Senate adopt CCR and pass
HCS for HB 4, with SCS (Gross)	CCS)
HCS for HB 5, with SCS (Gross)	HB 574-St. Onge, with SA 1 & SA 3
HCS for HB 6, with SCS (Gross)	(Stouffer)
HCS for HB 7, with SCS (Gross)	HB 665-Ervin, et al, with SS, as amended
HCS for HB 8, with SCS (Gross)	(Ridgeway)
HCS for HB 9, with SCS (Gross)	

#### Requests to Recede or Grant Conference

SB 166-Griesheimer, with HCS (Senate	SB 406-Crowell, with HCS#2, as amended
requests House recede and take up and	(Senate requests House recede or
pass the bill)	grant conference)

#### RESOLUTIONS

##### Reported from Committee

HCR 15-Threlkeld, et al, with SCS	HCR 30-Pratt, et al
(Shields)	HCR 11-Ervin and Flook (Ridgeway)
SCR 10-Koster and Shields	HCR 8-Loehner, et al (Barnitz)
HCR 25-Yates, et al (Bartle)	

**T**