

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 9, 2007

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“A person often feels a need for solitude, which for him is a vital necessity. The fact that he feels this vital necessity...is sign that he has a deeper nature.” (Soren Kierkegaard)

Help us O Lord, to be a contemplative people who seeks You in the depth of silence, to gain that deepening knowledge of You and ourselves so that what we are about during these long hours may truly reflect that wisdom that comes from those moments of silence. And in so doing let us so grow closer to living the life You would have us follow. 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	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Shields announced that photographers from the Missouri Lawyers Weekly were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1252, regarding Kevin Michael Montgomery, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1253, regarding Jacob Ryan Eshenroder, Camdenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1254, regarding Sean Edward Tatham, Lebanon, which was adopted.

Senator Lager offered Senate Resolution

No. 1255, regarding Brian Bowness, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1256, regarding Tim Noellsch, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 1257, regarding Aaron Plummer, Cameron, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1258, regarding Brittany Roebke, Plainfield, Illinois, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 159**, with **SCS**; **HCS** for **HB 98**; **HCS** for **HB 948**; and **HCS** for **HB 827**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 527 was placed on the Informal Calendar.

HCS for **HB 329**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 827**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 948**, entitled:

An Act to repeal sections 191.300, 191.317, and 191.331, RSMo, and to enact in lieu thereof three new sections relating to genetic and metabolic disease programs.

Was taken up by Senator Shields.

On motion of Senator Shields, **HCS** for **HB 948** was read the 3rd time and passed by the following vote:

YEAS—Senators
 Barnitz Bartle Bray Callahan

Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
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—Senator Graham—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 98** was placed on the Informal Calendar.

HB 482 was placed on the Informal Calendar.

HCS for **HB 583**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 431**, with **SCS**, was placed on the Informal Calendar.

HB 42, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 159**, with **SCS**, entitled:

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up by Senator Engler.

SCS for HCS for HB 159, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 159

An Act to repeal sections 236.400, 236.410, 236.415, 236.420, 236.425, 236.435, 236.440, 236.445, 236.460, 236.465, and 236.500, RSMo, and to enact in lieu thereof eleven new sections relating to dam and reservoir safety, with penalty provisions.

Was taken up.

Senator Koster assumed the Chair.

Senator Engler moved that **SCS for HCS for HB 159** be adopted.

At the request of Senator Engler, **HCS for HB 159**, with **SCS** (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 has taken up and passed **HB 758**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for employers who hire high school students for summer jobs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 **SCS for HB 1** and has taken up and passed **CCS for SCS for HB 1**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee

from the House on **SCS for HB 1** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1

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

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1.
2. That the attached Conference Committee Substitute for Senate Committee Substitute For House Bill No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ Charles R. Gross
- /s/ Gary Nodler
- /s/ Robert N. Mayer
- /s/ Joan Bray
- /s/ Timothy P. Green

FOR THE HOUSE:

- /s/ Allen Icet
- /s/ Ed Robb
- /s/ Bryan P. Stevenson
- /s/ Paul LeVota
- /s/ Margaret Donnelly

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	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

Coleman Rupp—2

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HB 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	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

Coleman Rupp—2

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 159**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 159** was again taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 159** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 159** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Barnitz Purgason—2

Absent—Senators—None

Absent with leave—Senators

Coleman Rupp—2

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.

HCS for HB 780, with **SCS**, entitled:

An Act to repeal sections 41.950, 214.275, 214.340, 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 eighteen new sections relating to the division of professional registration, with penalty provisions.

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

SCS for HCS for HB 780, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

An Act to repeal sections 41.950, 214.275, 214.340, 333.011, 333.121, 334.610, 334.625, 337.510, 337.700, 337.715, 337.718, 338.035, 339.507, 339.519, 339.521, 339.525, 339.532, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 429.010, 429.080, 429.603, and 660.315, RSMo, and to enact in lieu thereof thirty-two new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Scott moved that **SCS for HCS for HB 780** be adopted.

Senator Scott offered **SS for SCS for HCS for HB 780**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

An Act to repeal sections 41.950, 256.465,

317.001, 317.006, 317.011, 317.013, 317.015, 317.018, 324.520, 324.522, 327.011, 327.111, 327.181, 327.201, 327.291, 327.441, 327.633, 331.010, 334.120, 335.016, 335.036, 335.066, 335.068, 335.076, 335.096, 335.097, 335.212, 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, 336.225, 337.600, 337.603, 337.604, 337.606, 337.609, 337.612, 337.615, 337.618, 337.622, 337.624, 337.627, 337.630, 337.636, 337.639, 337.650, 337.653, 337.659, 337.665, 337.668, 337.674, 337.677, 337.680, 337.686, 337.689, 337.700, 337.715, 337.718, 338.220, 339.100, 339.513, 344.020, 344.030, 344.040, 344.050, 344.060, 344.070, 344.080, 344.105, 345.015, 345.030, 345.045, 345.055, 346.015, 346.030, 346.035, 346.055, 346.060, 346.110, 383.130, 383.133, 620.010, and 621.045, RSMo, and to enact in lieu thereof eighty-nine new sections relating to the division of professional registration, with penalty provisions and an effective date for certain sections.

Senator Scott moved that **SS for SCS for HCS for HB 780** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 6, Section 41.950, Line 14 of said page, by inserting after all of said line the following:

“192.632. 1. There is hereby created a “Chronic Kidney Disease Task Force”. Unless otherwise stated, members shall be appointed by the director of the department of health and senior services and shall include, but not be limited to, the following members:

(1) Two physicians appointed from lists submitted by the Missouri State Medical Association;

(2) Two nephrologists;

- (3) Two family physicians;**
 - (4) Two pathologists;**
 - (5) One member who represents owners or operators of clinical laboratories in the state;**
 - (6) One member who represents a private renal care provider;**
 - (7) One member who has a chronic kidney disease;**
 - (8) One member who represents the state affiliate of the National Kidney Foundation;**
 - (9) One member who represents the Missouri Kidney Program;**
 - (10) Two members of the house of representatives appointed by the speaker of the house of representatives;**
 - (11) Two members of the senate appointed by the president pro tempore of the senate;**
 - (12) Additional members may be chosen to represent public health clinics, community health centers, and private health insurers.**
- 2. A chairperson and a vice-chairperson shall be elected by the members of the task force.**
- 3. The chronic kidney task force shall:**
- (1) Develop a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease and its complications based on kidney disease outcomes, quality initiative clinical practice guidelines for chronic kidney disease, or other medically recognized clinical practice guidelines:**
 - (2) Make recommendations on the implementation of a cost-effective plan for early screening, diagnosis, and treatment of chronic kidney disease for the state's population;**
 - (3) Identify barriers to adoption of best practices and potential public policy options to address such barriers;**

(4) Submit a report of its findings and recommendations to the general assembly within one year of its first meeting.

4. The department of health and senior services shall provide all necessary staff, research, and meeting facilities for the chronic kidney disease task force.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 6, Section 41.950, Line 14, by inserting immediately after all of said line the following:

“195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, RSMo, who holds a certificate of controlled substance prescriptive authority from the board of nursing pursuant to section 335.019, RSMo, and who is delegated the authority to prescribe controlled substances under a controlled substance collaborative practice agreement pursuant to section 334.104, RSMo, may prescribe any controlled substances listed in Schedule V of section 195.017, RSMo. However, no such certified advanced practice registered nurse shall ever, under any circumstances, prescribe controlled substance for his or her own self or family.

3. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and he may cause them to be administered by an assistant or orderly under his direction and supervision.

[3.] 4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug.

[4.] 5. An individual practitioner may not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial container unless such container bears a label containing an identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such narcotic or dangerous drug to any person other than the patient.

4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package prepared by him, he shall securely affix to each package in which that drug is contained, a label showing in legible English the name and address of the vendor and the quantity, kind, and form of controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under sections 195.005 to 195.425, shall alter, deface, or remove any label so affixed.

5. Whenever a pharmacist or practitioner sells or

dispenses any controlled substance on a prescription issued by a physician, dentist, podiatrist [or] veterinarian, **or advanced practice registered nurse**, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name and address of the pharmacy or practitioner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the physician, dentist, podiatrist [or], veterinarian, **or advanced practice registered nurse** by whom the prescription was written; **the name of the collaborating physician if the prescription is written by an advanced practice registered nurse**, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.”; and

Further amend said bill, page 38, section 331.010, line 17 of said page, by inserting immediately after said line the following:

“334.104. 1. A physician may enter into collaborative practice arrangements with registered professional nurses. Collaborative practice arrangements shall be in the form of written agreements, jointly agreed-upon protocols, or standing orders for the delivery of health care services. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer or dispense drugs and provide treatment as long as the delivery of such health care services is within the scope of practice of the registered professional nurse and is consistent with that nurse's skill, training and competence.

2. Collaborative practice arrangements, which shall be in writing, may delegate to a registered professional nurse the authority to administer, dispense or prescribe drugs and provide treatment if the registered professional nurse is an advanced practice nurse as defined in subdivision (2) of section 335.016, RSMo. Such collaborative practice arrangements shall be in the form of

written agreements, jointly agreed-upon protocols or standing orders for the delivery of health care services.

3. Controlled substance collaborative practice arrangements may delegate to an advanced practice registered nurse, as defined in section 335.016, RSMo, the authority to administer, dispense, or prescribe controlled substances listed in Schedule V of section 195.017, RSMo. Such controlled substance collaborative practice agreements shall be in writing and shall also set forth provisions for the type of collaboration between the advanced practice registered nurse and the collaborating physician.

4. The state board of registration for the healing arts pursuant to section 334.125 and the board of nursing pursuant to section 335.036, RSMo, may jointly promulgate rules regulating the use of collaborative practice arrangements **and controlled substance collaborative practice arrangements**. Such rules shall be limited to specifying geographic areas to be covered, the methods of treatment that may be covered by collaborative practice arrangements and the requirements for review of services provided pursuant to collaborative practice arrangements **including collaborative practice arrangements delegating the authority to prescribe controlled substances**. Any rules relating to dispensing or distribution of medications or devices by prescription or prescription drug orders under this section shall be subject to the approval of the state board of pharmacy. In order to take effect, such rules shall be approved by a majority vote of a quorum of each board. Neither the state board of registration for the healing arts nor the board of nursing may separately promulgate rules relating to collaborative practice arrangements. Such jointly promulgated rules shall be consistent with guidelines for federally funded clinics. The rulemaking authority granted in this subsection shall not extend to collaborative practice arrangements of hospital employees providing inpatient care within hospitals as defined pursuant to chapter 197, RSMo.

[4.] **5.** The state board of registration for the healing arts shall not deny, revoke, suspend or otherwise take disciplinary action against a physician for health care services delegated to a registered professional nurse provided the provisions of this section and the rules promulgated thereunder are satisfied. Upon the written request of a physician subject to a disciplinary action imposed as a result of an agreement between a physician and a registered professional nurse or registered physician assistant, whether written or not, prior to August 28, 1993, all records of such disciplinary licensure action and all records pertaining to the filing, investigation or review of an alleged violation of this chapter incurred as a result of such an agreement shall be removed from the records of the state board of registration for the healing arts and the division of professional registration and shall not be disclosed to any public or private entity seeking such information from the board or the division. The state board of registration for the healing arts shall take action to correct reports of alleged violations and disciplinary actions as described in this section which have been submitted to the National Practitioner Data Bank. In subsequent applications or representations relating to his medical practice, a physician completing forms or documents shall not be required to report any actions of the state board of registration for the healing arts for which the records are subject to removal under this section.

[5.] **6.** Within thirty days of any change and on each renewal, the state board of registration for the healing arts shall require every physician to identify whether the physician is engaged in any collaborative practice agreement, **including collaborative practice arrangements delegating the authority to prescribe controlled substances**, or physician assistant agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make this information available to the public. The board shall track the

reported information and may routinely conduct random reviews of such agreements to ensure that agreements are carried out for compliance under this chapter.

[6.] 7. Notwithstanding anything to the contrary in this section, a registered nurse who has graduated from a school of nurse anesthesia accredited by the Council on Accreditation of Educational Programs of Nurse Anesthesia or its predecessor and has been certified or is eligible for certification as a nurse anesthetist by the Council on Certification of Nurse Anesthetists shall be permitted to provide anesthesia services without a collaborative practice arrangement provided that he or she is under the supervision of an anesthesiologist or other physician, dentist, or podiatrist who is immediately available if needed.”; and

Further amend said bill, pages 40-43, section 335.016, by striking all of said section and inserting in lieu thereof the following:

“335.016. As used in this chapter, unless the context clearly requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice **registered nurse**”, a nurse who has [had] education beyond the basic nursing education and is certified by a nationally recognized professional organization as [having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses.] **an advanced registered nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or a certified clinical nurse specialist. The board shall have the**

authority to approve any nationally recognized professional organization for the purposes of this section. Advanced practice nurses and only such individuals may use the title “Advanced Practice Registered Nurse” and the abbreviation “APRN”;

(3) “**Advanced registered nurse practitioner**”, a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

(4) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

[(4)] (5) “Board” or “state board”, the state board of nursing;

(6) “**Certified clinical nurse specialist**”, a registered nurse who is currently certified as a clinical nurse specialist by a nationally recognized certifying board approved by the board of nursing;

(7) “**Certified nurse midwife**”, a registered nurse who is currently certified as a nurse midwife by the American College of Nurse Midwives, or other nationally recognized certifying body approved by the board of nursing;

(8) “**Certified registered nurse anesthetist**”, a registered nurse who is currently certified as a nurse anesthetist by the Council on Certification of Nurse Anesthetists, the Council on Recertification of Nurse Anesthetists, or other nationally recognized certifying body approved by the board of nursing;

[(5)] (9) “Executive director”, a qualified individual employed by the board as executive secretary or otherwise to administer the provisions of this chapter under the board's direction. Such person employed as executive director shall not be a member of the board;

[(6)] (10) “Inactive nurse”, as defined by rule

pursuant to section 335.061;

[(7) A] (11) “Lapsed license status”, as defined by rule under section 335.061;

(12) “Licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of practical nursing;

[(8)] (13) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice professional or practical nursing;

[(9)] (14) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

[(10)] (15) “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited

to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

[(11) A] (16) “Registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of this chapter to engage in the practice of professional nursing;

(17) “Retired license status”, any person licensed in this state under this chapter who retires from such practice. Such person shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which the licensee retired from such practice, an intent to retire from the practice for at least two years, and such other facts as tend to verify the retirement as the board may deem necessary; but if the licensee thereafter reengages in the practice, the licensee shall renew his or her license with the board as provided by this chapter and by rule and regulation.

335.019. The board of nursing may grant a certificate of controlled substance prescriptive authority to an advanced practice nurse who:

(1) Submits proof of successful completion of an advanced pharmacology course that shall include preceptorial experience in the

prescription of drugs, medicines and therapeutic devices; and

(2) Provides documentation of a minimum of three hundred clock hours preceptorial experience in the prescription of drugs, medicines, and therapeutic devices with a qualified preceptor; and

(3) Has a controlled substance prescribing authority delegated in the collaborative practice agreement pursuant to section 334.104, RSMo, with a physician who has an unrestricted federal Drug Enforcement Administration registration number and who is actively engaged in a practice comparable in scope, specialty, or expertise to that of the advanced practice registered nurse.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 27, Section 324.523, Line 22, by inserting after all of said line the following:

“324.1100. As used in sections 324.1100 to 324.1148, the following terms mean:

(1) “Board”, the board of private investigator examiners established in section 324.1102;

(2) “Client”, any person who engages the services of a private investigator;

(3) “Department”, the department of insurance, financial institutions and professional registration;

(4) “Law enforcement officer”, a law enforcement officer as defined in section 556.061, RSMo;

(5) “Organization”, a corporation, trust, estate, partnership, cooperative, or association;

(6) “Person”, an individual or organization;

(7) “Private investigator”, any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;

(8) “Private investigator agency”, a person who regularly employs any other person, other than an organization, to engage in the private investigator business;

(9) “Private investigator business”, the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information pertaining to:

(a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(c) The location, disposition, or recovery of lost or stolen property;

(d) Securing evidence to be used before any court, board, officer, or investigating committee;

(e) Sale of personal identification information to the public; or

(f) The cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property.

324.1102. 1. The “Board of Private Investigator Examiners” is hereby created within the division of professional registration. The board shall be a body corporate and may sue and be sued.

2. The board shall be composed of five members, including two public members, appointed by the governor with the advice and consent of the senate. Except for the public

members, each member of the board shall be a citizen of the United States, a resident of Missouri, at least thirty years of age, and shall have been actively engaged in the private investigator business for the previous five years. No more than one private investigator board member may be employed by, or affiliated with, the same private investigator agency. The initial private investigator board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after the effective date of the rules promulgated under sections 324.1100 to 324.1148 regarding licensure. The public members shall each be a registered voter and a person who is not and never was a member of any profession licensed or regulated under sections 324.1100 to 324.1148 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 324.1100 to 324.1148, or an activity or organization directly related to any profession licensed or regulated under sections 324.1100 to 324.1148. The duties of the public members shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

3. The members shall be appointed for terms of two years, except those first appointed, in which case two members, who shall be private investigators, shall be appointed for terms of four years, two members shall be appointed for terms of three years, and one member shall be appointed for a one-year term. Any vacancy on the board shall be filled for the unexpired term of the member and in the manner as the first appointment. No member may serve consecutive terms.

4. The members of the board may receive compensation, as determined by the director for their services, if appropriate, and shall be reimbursed for actual and necessary expenses

incurred in performing their official duties on the board.

5. There is hereby created in the state treasury the “Board of Private Investigator Examiners Fund”, which shall consist of money collected under sections 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with the provisions of sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1100 to 324.1148. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

324.1104. Unless expressly exempted from the provisions of sections 324.1100 to 324.1148:

(1) It shall be unlawful for any person to engage in the private investigator business in this state unless such person is licensed as a private investigator under sections 324.1100 to 324.1148;

(2) It shall be unlawful for any person to engage in business in this state as a private investigator agency unless such person is licensed under sections 324.1100 to 324.1148.

324.1106. The following persons shall not be deemed to be engaging in the private investigator business:

(1) A person employed exclusively and regularly by one employer in connection only with the affairs of such employer and where there exists an employer-employee relationship;

(2) Any officer or employee of the United States, or of this state or a political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;

(4) An attorney performing duties as an attorney, or an attorney's paralegal or employee retained by such attorney assisting in the performance of such duties or investigation on behalf of such attorney;

(5) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

(6) Insurers and insurance producers licensed by the state, performing duties in connection with insurance transacted by them;

(7) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1148, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business;

(9) Any private fire investigator whose primary purpose of employment is the determination of the origin, nature, cause, or calculation of losses relevant to a fire;

(10) Employees of a not-for-profit organization or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to making and processing requests for criminal history records and other

background information from state, federal, or local databases, including requests for employee background check information under section 660.317, RSMo;

(11) Any real estate broker, real estate salesperson, or real estate appraiser acting within the scope of his or her license;

(12) Expert witnesses who have been certified or accredited by a national or state association associated with the expert's scope of expertise;

(13) Any person who does not hold themselves out to the public as a private investigator but is under contract with a state agency or political subdivision; or

(14) Any person performing duties or conducting investigations relating to serving legal process when such person's investigation is incidental to the serving of legal process.

324.1108. 1. Every person desiring to be licensed in this state as a private investigator or private investigator agency shall make application therefor to the board of private investigator examiners. An application for a license under the provisions of sections 324.1100 to 324.1148 shall be on a form prescribed by the board of private investigator examiners and accompanied by the required application fee. An application shall be verified and shall include:

(1) The full name and business address of the applicant;

(2) The name under which the applicant intends to conduct business;

(3) A statement as to the general nature of the business in which the applicant intends to engage;

(4) A statement as to the classification or classifications under which the applicant desires to be qualified;

(5) Two recent photographs of the applicant, of a type prescribed by the board of private investigator examiners, and two classifiable sets of the applicant's fingerprints processed in a manner approved by the Missouri state highway patrol, criminal records and identification division, under section 43.543, RSMo;

(6) A verified statement of the applicant's experience qualifications; and

(7) Such other information, evidence, statements, or documents as may be required by the board of private investigator examiners.

2. Before an application for a license may be granted, the applicant shall:

(1) Be at least twenty-one years of age;

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287, RSMo. The board shall have the authority to raise the requirements as deemed necessary; and

(4) Comply with such other qualifications as the board adopts by rules and regulations.

324.1110. 1. The board of private investigator examiners shall require as a condition of licensure as a private investigator that the applicant pass a written examination as evidence of knowledge of investigator rules and regulations.

2. The department shall conduct a complete investigation of the background of each applicant for licensure as a private investigator to determine whether the applicant is qualified for licensure under sections 324.1100 to 324.1148. The board will outline basic qualification requirements for licensing as a private investigator and agency.

3. In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

(1) Registration and good standing as a business in this state; and

(2) Two hundred fifty thousand dollars in business general liability insurance.

4. The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure similar to that required by this state and shall meet this state's minimum insurance requirements.

324.1112. The board of private investigator examiners may deny a request for a license if the applicant:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Within two years prior to the application date:

(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;

(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude;

(c) Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

(d) Has been dependent on or abused alcohol or drugs; or

(e) Has used, possessed, or trafficked in any illegal substance;

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had a license revoked in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which

a license is required by sections 324.1100 to 324.1148 after the effective date of this section; or

(5) Knowingly made any false statement in the application.

324.1114. 1. Every application submitted under the provisions of sections 324.1100 to 324.1148 shall be accompanied by a fee as determined by the board as follows:

(1) For an individual license, agency license and employees being licensed to work under an agency license; or

(2) If a license is issued for a period of less than one year, the fee shall be prorated for the months, or fraction thereof, for which the license is issued.

2. The board shall set fees as authorized by sections 324.1100 to 324.1148 at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.1100 to 324.1148.

3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive and notwithstanding any other provision of law. No municipality may require any person licensed under sections 324.1100 to 324.1148 to furnish any bond, pass any examination, or pay any license fee or occupational tax relative to practicing the person's profession.

4. A private investigator license shall allow only the individual licensed by the state to conduct investigations. An agency license shall be applied for separately and held by an individual who is licensed as a private investigator. The agency may hire individuals to work for the agency conducting investigations for the agency only. Persons hired shall make application as determined by the board and meet all requirements set forth by the board except that they shall not be required to meet any experience requirements and shall be allowed to begin working immediately upon the agency submitting their applications.

324.1116. A private investigator agency shall

not hire any individual as an employee unless the individual:

(1) Is at least twenty-one years of age;

(2) Provides two recent photographs of themselves, of a type prescribed by the board of private investigator examiners;

(3) Has been fingerprinted in a manner approved by the Missouri state highway patrol, criminal records and identification division, under section 43.543, RSMo; and

(4) Complies with any other qualifications and requirements the board adopts by rule.

324.1118. A private investigator agency shall not hire an individual, who is not licensed as a private investigator, as an employee if the individual:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Within two years prior to the hiring date:

(a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;

(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude;

(c) Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

(d) Has been dependent on or abused alcohol or drugs; or

(e) Has used, possessed, or trafficked in any illegal substance;

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or

had a license revoked in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after the effective date of this section; or

(5) Knowingly made any false statement in the application.

324.1120. An individual, who is not licensed as a private investigator, hired as an employee by a private investigator agency shall work only under the direct supervision of the agency whose identification number appears on their application and shall work only for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of continuing education units biennially. An individual not licensed as a private investigator who is hired as an employee by a private investigator agency shall successfully complete eight hours of continuing education units biennially. Such continuing education shall be relevant to the private investigator business and shall be approved by the board as such.

324.1124. 1. The board of private investigator examiners shall determine the form of the license which shall include the:

- (1) Name of the licensee;
- (2) Name under which the licensee is to operate; and
- (3) Number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee. Upon the issuance of a license, a pocket card of such size, design, and content as determined by the division shall be issued without charge to each licensee. Such card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When any person to whom a card is issued terminates such person's position, office, or association with the licensee, the

card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the board of private investigator examiners for cancellation. Within thirty days after any change of address, a licensee shall notify the board of the address change. The principal place of business may be at a residence or at a business address, but it shall be the place at which the licensee maintains a permanent office.

324.1126. 1. Any license issued under sections 324.1100 to 324.1148 shall expire two years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:

(1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;

(2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and

(3) The applicant does not have to be tested again but must instead provide proof that the applicant successfully completed sixteen hours of continuing education credits; and

(4) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 324.1100 to 324.1148. A person receiving an agency license shall directly manage the agency and employees.

3. A license issued under sections 324.1100 to 324.1148 shall not be assignable.

324.1128. 1. Any licensee may divulge to the board, any law enforcement officer, prosecuting attorney, or such person's representative any information such person may acquire about any criminal offense. The licensee may instruct his or her client to divulge such information if the client is the victim, but such person shall not divulge to any other person, except as he or she may be required by law, any information acquired by such person at the direction of the employer or client for whom the information was obtained.

2. No licensee officer, director, partner, associate, or employee thereof shall:

(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;

(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) Use a title, wear a uniform, use an insignia or an identification card, or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government, or any political subdivision of a state government;

(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien;

(5) Manufacture false evidence; or

(6) Create any video recording of an individual in their domicile without the individual's permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding.

324.1130. Each licensee shall maintain a

record containing such information relative to the licensee's employees as may be prescribed by the board of private investigator examiners. Such licensee shall file with the board the complete address of the location of the licensee's principal place of business. The board may require the filing of other information for the purpose of identifying such principal place of business.

324.1132. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name, city, and state as it appears in the records of the board of private investigator examiners. No individual or business can advertise as a private investigator, private detective, or private investigator agency without including their state private investigator or private investigator agency license number in the advertisement. A licensee shall not advertise or conduct business from any Missouri address other than that shown on the records of the board as the licensee's principal place of business unless the licensee has received an additional agency license for such location after compliance with the provisions of sections 324.1100 to 324.1148 and such additional requirements necessary for the protection of the public as the board may prescribe by regulation. A licensee shall notify the board in writing within ten days after closing or changing the location of a branch office. The fee for the additional license shall be one-half the cost of the fee for the agency's original license.

324.1134. 1. The board may suspend or refuse to renew any certificate of registration or authority, permit or license required under sections 324.1100 to 324.1148 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a

refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Making any false statement or given any false information in connection with an application for a license or a renewal or reinstatement thereof;

(2) Violating any provision of sections 324.1100 to 324.1148;

(3) Violating any rule of the board of private investigator examiners adopted under the authority contained in sections 324.1100 to 324.1148;

(4) Impersonating, or permitting or aiding and

abetting an employee to impersonate, a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof;

(5) Committing, or permitting any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(6) Knowingly violating, or advising, encouraging, or assisting the violation of, any court order or injunction in the course of business as a licensee;

(7) Using any letterhead, advertisement, or other printed matter, or in any manner whatever represented that such person is an instrumentality of the federal government, a state, or any political subdivision thereof;

(8) Using a name different from that under which such person is currently licensed in any advertisement, solicitation, or contract for business; or

(9) Committing any act which is grounds for denial of an application for a license under section 324.1112.

3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

4. The agency may continue under the direction of another employee if the licensee's license is suspended or revoked by the board. The board shall establish a time frame in which the agency shall identify an acceptable person who is qualified to assume control of the agency, as required by the board.

5. After the filing of a complaint before the administrative hearing commission, the proceedings shall be conducted in accordance

with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds in subsection 1 of this section for disciplinary action are met, the board may singly or in combination censure or place the person named in the complaint on probation under such terms and conditions as the board deems appropriate for a period not to exceed five years, may suspend for a period not to exceed three years, or revoke the license.

324.1136. 1. Each private investigator or investigator agency operating under the provisions of sections 324.1100 to 324.1148 shall be required to keep a complete record of the business transactions of such investigator or investigator agency for a period of seven years. Upon the service of a court order issued by a court of competent jurisdiction or upon the service of a subpoena issued by the board that is based on a complaint supported by oath or affirmation, which particularly describes the records and reports, any licensed private investigator who is the owner, partner, director, corporate officer, or custodian of business records shall provide an opportunity for the inspection of the same and to inspect reports made. Any information obtained by the board shall be kept confidential, except as may be necessary to commence and prosecute any legal proceedings. The board shall not personally enter a licensee's place of business to inspect records, but shall utilize an employee of the division of professional registration to act as a gatherer of information and facts to present to the board regarding any complaint or inspection under investigation.

2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148, and in making investigations relating to any violation thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records, or papers which the board deems relevant to the inquiry. The board also may administer an oath to and take the testimony of any person, or cause

such person's deposition to be taken, except that any applicant or licensee or officer, director, partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued under this section shall be governed by the Missouri rules of civil procedure and shall comply with any confidentiality standards or legal limitations imposed by privacy or open records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts, judicially recognized privileged communications, and the bill of rights of both the United States and Missouri Constitutions. Any person duly subpoenaed who fails to obey such subpoena without reasonable cause, or without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualification of such applicant or licensee or such applicant's alleged unlawful or deceptive practices or methods, shall be guilty of a class A misdemeanor. The testimony of witnesses in any investigative proceeding shall be under oath.

324.1138. 1. The board shall adopt such rules and regulations as may be necessary to carry out the provisions of sections 324.1100 to 324.1148.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.1100 to 324.1148 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 under 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.

324.1140. 1. The board of private investigator examiners shall certify persons who are qualified to train private investigators.

2. In order to be certified as a trainer under this section, a trainer shall:

(1) Be twenty-one or more years of age;

(2) Have a minimum of one-year supervisory experience with a private investigator agency; and

(3) Be personally licensed as a private investigator under sections 324.1100 to 324.1148 and qualified to train private investigators.

3. Persons wishing to become certified trainers shall make application to the board of private investigator examiners on a form prescribed by the board and accompanied by a fee determined by the board. The application shall contain a statement of the plan of operation of the training offered by the applicant and the materials and aids to be used and any other information required by the board.

4. A certificate shall be granted to a trainer if the board finds that the applicant:

(1) Meets the requirements of subsection 2 of this section;

(2) Has sufficient knowledge of private investigator business in order to train private investigators sufficiently;

(3) Has supplied all required information to the board; and

(4) Has paid the required fee.

5. The certificate issued under this section shall expire on the third year after the year in which it is issued and shall be renewable triennially upon application and payment of a fee.

324.1142. Any person who knowingly falsifies the fingerprints or photographs or other information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class D felony; and any person who violates any of the other provisions of sections 324.1100 to 324.1148 is

guilty of a class A misdemeanor.

324.1144. The board may negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed private investigator agencies and licensed private investigators who meet or exceed the qualifications established in sections 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

324.1146. Law enforcement officers who perform private investigations shall be licensed under this chapter subject to the following qualifications and limitations:

(1) The board may waive testing for law enforcement officers currently certified under existing peace officer standards and training requirements under chapter 590, RSMo;

(2) Law enforcement officers shall pay the appropriate licensing fees;

(3) Law enforcement officers shall assume individual liability for their actions while performing private investigations, complying with any insurance or bonding requirements imposed under sections 324.1100 to 324.1148;

(4) Law enforcement officers shall not utilize their official capacity in the course of a private investigation, including but not limited to:

(a) Accessing information intended only for police officials. Law enforcement officers shall comply with the legal limits on access to the information of private citizens;

(b) Utilizing any official item, such as a uniform, badge, or vehicle, while performing a private investigation. Law enforcement officers shall provide their own equipment;

(c) Utilizing law enforcement officer arrest and use of force standards. Law enforcement officers shall use private citizen arrest and use of force standards while operating as a private investigator;

(5) Law enforcement officers shall produce evidence of training and experience concerning the legal limits imposed on private investigations or pass a test on such subject produced by the board; and

(6) The provisions of sections 324.1100 to 324.1148 shall not apply to law enforcement officers who provide only private security services and not private investigator services.

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class D felony.”; and

Further amend said bill, page 172, section 621.045, line 5, by inserting after all of said line the following:

“Board of Private Investigator Examiners”;
and

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 109, Section 338.220, Lines 1-5 of said page, by striking all of said lines and inserting in lieu thereof the following:

“5. Notwithstanding any other law to the contrary, the provisions of this section shall not apply to the sale, dispensing or filling of a pharmaceutical product or drug used for treating animals.”.

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

Senator Ridgeway offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 157, Section 383.133, Line 10 of said page, by inserting after all of said line the following:

“537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) “Health care professional”, a physician or surgeon licensed under the provisions of chapter 334, RSMo, **or a physical therapist licensed under the provisions of chapter 334, RSMo**, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, **or an emergency medical technician, including an emergency medical technician-basic, emergency medical technician-intermediate, and an emergency medical technician-paramedic, and emergency medical dispatcher licensed or authorized under the provisions of chapter 190, RSMo**, while acting within their scope of practice;

(2) “Peer review committee”, a committee of health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be

constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals, or employed health care professionals of a university or an entity affiliated with a university operating under chapter 172, 174, 352, or 355, RSMo;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, including long-term care facilities licensed under chapter 198, RSMo, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) **Appointed by a board of trustees or chief executive officer of:**

(a) **A licensed ambulance service;**

(b) **A licensed emergency medical response agency; or**

(c) **Any not-for-profit organization that provides or contracts for ambulance services under authority granted to such not-for-profit organization by a city, county, town, village, or ambulance district and of which a majority of the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of aldermen, city council, county commission, county legislature, or ambulance district;**

(5) Any other organization formed pursuant to state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

[(5)] (6) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization;

(7) Appointed by a mayor, city council, board of aldermen, county commission, county legislature, or ambulance district.

3. Each member of a peer review committee and each person, hospital governing board, **ambulance service governing board, emergency medical response agency governing board,** health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, **chief executive officer of an ambulance service or emergency medical response agency,** chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of peer review committees, or the existence of the same, concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during

proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other health care providers, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Callahan raised the point of order that SA 5 is out of order as it goes beyond the scope and title of the bill.

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

Senator Days offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 157, Section 383.133, Line 10, by inserting immediately after said line the following:

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

(1) “Performing group”, a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name;

(2) “Recording group”, a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) “Sound recording”, a work that results from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a disk, tape, or other phono-record, in which the sounds are embodied.

2. It shall be unlawful for any person to advertise or conduct a live musical performance or production in this state through the use of a

false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. This section shall not apply if:

(1) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States Patent and Trademark Office;

(2) At least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) The live musical performance or production is identified in all advertising and promotion as a salute or tribute;

(4) The advertising does not relate to a live musical performance or production taking place in this state; or

(5) The performance or production is expressly authorized by the recording group.

3. Whenever the attorney general has reason to believe that any person is advertising or conducting or is about to advertise or conduct a live musical performance or production in violation of this section and that proceedings would be in the public interest, the attorney general may bring an action against the person to restrain by temporary or permanent injunction that practice.

4. Whenever any court issues a permanent injunction to restrain and prevent violations of this section as authorized in subsection 3 of this section, the court may in its discretion direct that the defendant restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any violation of this section, under terms and conditions to be established by the court.

5. Notwithstanding the provisions of section 407.100 to the contrary, any person who violates

this section shall be assessed a civil penalty of not less than five thousand dollars nor more than fifteen thousand dollars per violation, which civil penalty shall be in addition to any other relief which may be granted under subsection 4 of this section. Each performance or production declared unlawful by this section shall constitute a separate violation.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 58, Section 335.076, Lines 8-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**under this chapter.**”

6. Nothing in this chapter shall prohibit a person listed as a Christian Science nurse in the Christian Science Journal published by the Christian Science Publishing Society, Houston, Massachusetts, from using the title “Christian Science nurse”, so long as such person provides religious nonmedical services when offering or providing services to a member of his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist or nurse anesthetists, unless otherwise authorized by law to do so.”

Further amend the title and enacting clause accordingly.

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

Senator Graham offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 8, Section 317.001, Line 27, by striking the opening bracket on said line; and further amend said section and page, line 28 by inserting after the second use of “a”, the following: “**boxing**”; and further amend said section, page 9, line 4 by striking the closing bracket on said line; and further amend said section, page 11, line 4 by striking the opening bracket; and further amend said section and page, line 5 by inserting after the second use of “a”, the following: “**boxing**”; and further amend said section, page, line 8 by striking the closing bracket; and

Further renumber the remaining subdivisions accordingly.

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

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Loudon moved that the vote by which **SA 7** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Coleman	Rupp	Vogel—3
---------	------	---------

Vacancies—None

SA 7 was again taken up.

At the request of Senator Loudon, **SA 7** was withdrawn.

Senator Loudon offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 58, Section 335.076, Lines 8-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**under this chapter.**

6. Nothing in this chapter shall prohibit a person listed as a Christian Science nurse in the Christian Science Journal published by the Christian Science Publishing Society, Houston, Massachusetts, from using the title “Christian Science nurse”, so long as such person provides religious nonmedical services when offering or providing services to a member of his or her own religious organization and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist or nurse anesthetists, unless otherwise authorized by law to do so.

7. Notwithstanding any law to the contrary, caregivers referenced in section 334.260, RSMo, licensed in other states may provide services as defined in 46 U.S.C. 1396r-6(E)(ii)(i).”.

Senator Loudon moved that the above amendment be adopted.

Senator Graham requested a roll call vote be taken on the adoption of **SA 9**. He was joined in his request by Senators Wilson, Bray, Smith and Justus.

SA 9 was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon

Mayer McKenna Nodler Purgason
Ridgeway Scott Shields Shoemyer
Stouffer—25

NAYS—Senators
Barnitz Graham Green Smith
Wilson—5

Absent—Senator Champion—1

Absent with leave—Senators
Coleman Rupp Vogel—3

Vacancies—None

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 780**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

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 **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

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 **HB 215**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

Paul LeVota

Rachel Bringer

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

YEAS—Senators				Shoemyer	Smith	Stouffer	Vogel
Barnitz	Bartle	Bray	Callahan	Wilson—33			
Champion	Clemens	Crowell	Days				
Engler	Gibbons	Goodman	Graham	NAYS—Senators—None			
Green	Griesheimer	Gross	Justus				
Kennedy	Koster	Lager	Loudon	Absent—Senators—None			
Mayer	McKenna	Nodler	Purgason				
Ridgeway	Scott	Shields	Shoemyer	Absent with leave—Senator Coleman—1			
Smith	Stouffer	Wilson—31					
				Vacancies—None			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Rupp Vogel—3

Vacancies—None

On motion of Senator Gross, **CCS for SCS for HCS for HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators			
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields

The President Pro Tem declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 457**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 227**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 Senator Gross.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like

committee from the House on **HCS** for **SB 25**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 25

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 25, with House Amendment Nos. 2 and 3 to House Amendment No. 1, House Amendment No. 1, as amended, and House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 25, as amended;
2. That the Senate recede from its position on Senate Bill No. 25;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 25, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Norma Champion	/s/ Ward Franz
/s/ Jack A.L. Goodman	/s/ Brian Baker
/s/ Bill Stouffer	/s/ Doug Ervin
/s/ Rita Heard Days	Margaret Donnelly
/s/ Maida Coleman	Jeanette Mott Oxford

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway

Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Champion, **CCS** for **HCS** for **SB 25**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 25

An Act to repeal sections 210.145, 210.183, 210.566, 452.340, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.511, 454.810, and 511.350, RSMo, and to enact in lieu thereof twelve new sections relating to children and minors, with penalty provisions.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HB 265**, with **SA 19**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 19, as amended, was again taken up.

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

Senator Rupp offered **SS** for **HB 265**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 265

An Act to repeal sections 160.261, 160.660, 160.775, 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 161.650, 162.431, 162.626, 162.675, 162.700, 162.961, 162.963, 163.011, 163.043, 166.435, 167.020, 167.022, 167.023, 167.029, 167.115, 167.121, 167.161, 167.164, 167.335, 167.621, 167.624, 167.627, 167.630, 168.133, 169.070, 169.466, 169.471, 169.596, 169.670, 171.031, 190.092, 210.102, 376.1218, and 475.060, RSMo, and to enact in lieu thereof sixty-four new sections relating to education, with penalty provisions.

Senator Rupp moved that **SS** for **HB 265** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 265, Pages 38-39, Section 161.720, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 265, Pages 80-81, Section 167.029, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Champion, McKenna and Shoemyer.

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

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

Amend Senate Substitute for House Bill No. 265, Page 80, Section 167.029, Lines 15-17, by striking the words beginning at "**Any**" and ending at "**adopt**", and insert in lieu thereof the words: "**In the metropolitan school district**".

Senator Smith moved that the above substitute amendment be adopted.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for House Bill No. 265, Page 1, by striking "**In the metropolitan school district**" and inserting in lieu thereof the following: "**The metropolitan school district shall adopt**".

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

SSA 1 for **SA 2** was again taken up.

At the request of Senator Rupp, **HB 265**, with **SS**, **SA 2** and **SSA 1** for **SA 2** (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 has adopted **SCS**, as amended, for **HB 41** and has taken up and passed **SCS** for **HB 41**.

Emergency clause adopted.

Also,

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 **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Senator Crowell assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly

agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Bryan P. Stevenson

Rachel Bringer

Sara Lampe

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Kennedy Shoemyer—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money

among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Kennedy Shoemyer—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

Senator Bartle 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 SCS for HCS for **HB 4** and has taken up and passed CCS for SCS for **HCS for HB 4**.

HOUSE BILLS ON THIRD READING

Senator Rupp moved that **HB 265**, with **SS, SA 2** and **SSA 1 for SA 2** (pending), be called from the

Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for SA 2 was again taken up.

At the request of Senator Smith, the above substitute amendment was withdrawn.

SA 2 was again taken up.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Mayer
McKenna	Nodler	Purgason	Rupp
Shields	Smith	Wilson—27	

NAYS—Senators

Loudon	Ridgeway	Scott	Stouffer
Vogel—5			

Absent—Senator Shoemyer—1

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 265, Pages 69-71, Section 163.045, by striking all of said section and inserting in lieu thereof the following:

“163.045. 1. The general assembly hereby finds and declares that the safety and security of all of Missouri's school children is of the utmost importance to our society. The purpose of this section is to secure the safety of all school children while they attend any elementary or secondary school located in the state of Missouri.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly may appropriate nine million dollars to the public safety for all school children fund, as established in subsection 3 of this section. The department of public safety shall annually award competitive grants to elementary or secondary schools, including public school districts, and private and parochial schools, that demonstrate the greatest need for assistance and that propose a detailed plan for spending the grant money received in a manner most likely to protect the children attending that school or school district.

3. There is hereby created in the state treasury the “Public Safety For All School Children Fund”. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section and the awarding of competitive grants to schools or school districts for the protection of school children. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in this subsection in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”

Senator Kennedy moved that the above amendment be adopted.

Senator Bray offered SA 1 to SA 3:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for House Bill No. 265, Page 1, Section 163.045, Line 5, by striking “all of”; and further amend line 7 by striking “all”; and further amend line 8 by inserting after “any” the following: “**public**”; and further amend line 12 by striking “all” and further amend line 15 by inserting after “to” the following: “**public**”; and further amend line 16 by striking “, and private and parochial schools,”; and further amend page 2, line 1 by striking “All”.

Senator Bray moved that the above amendment be adopted.

Senator Kennedy requested a roll call vote be taken on the adoption of SA 1 to SA 3. He was joined in his request by Senators Crowell, Engler, Green and McKenna.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Days	Graham
Justus	Shoemyer	Smith	Wilson—8

NAYS—Senators

Bartle	Callahan	Champion	Clemens
Crowell	Engler	Gibbons	Goodman
Green	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Stouffer
Vogel—25			

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Mayer assumed the Chair.

At the request of Senator Kennedy, SA 3 was withdrawn.

Senator Shields offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 265, Page 38, Section 161.660, Line 4, by adding after the period the following:

“The provisions of this section shall only apply to a metropolitan school district.”

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 4** was withdrawn.

Senator Bartle offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 265, Page 35, Section 160.933, Line 17, by inserting immediately after all of said line the following:

“161.101. 1. The Missouri school improvement program or successor accreditation program shall not use a scoring rubric on performance that requires a score for parents as teachers; except that, if on review deficiencies are noted, such deficiencies shall be listed as an area of concern.

2. The scoring rubric for advanced placement courses in the Missouri school improvement program or successor accreditation program shall recognize the difficulty of providing such courses in districts that have a sparse population. The department of elementary and secondary education shall develop such a rubric, taking into account population density in districts and localized teacher shortages in academic specializations, and differentially rewarding districts for accomplishing delivery of such courses through electronic media under such circumstances.

3. Beginning July 1, 2008, the Missouri school improvement program or successor accreditation program shall neither require nor use a scoring rubric that requires a score for meeting standards regarding librarian staff, counselor staff, or any requirement regarding the offering of vocational education or the certification of vocational

education staff.”; and

Further amend the title and enacting clause accordingly.

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

Senator Barnitz offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 265, Page 52, Section 162.1153, Line 18, by striking “submit to assessment” and insert in lieu thereof “**teach in unaccredited or provisionally accredited school districts**”; and

Further amend page 53, same section, lines 1 through 6 by striking said lines.

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

Senator Kennedy offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 265, Page 148, Section 2, Line 25, by inserting immediately after all of said line the following:

“Section 3. 1. The general assembly hereby finds and declares that the safety and security of all of Missouri's school children is of the utmost importance to our society. The purpose of this section is to secure the safety of all school children while they attend any elementary or secondary school located in the state of Missouri.

2. Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly may appropriate nine million dollars to the public safety for all school children fund, as established in subsection 3 of this section. The department of public safety shall annually award competitive grants to elementary or secondary schools, including public school districts, and private and parochial schools, that demonstrate the greatest need for assistance and that propose a detailed plan for spending

the grant money received in a manner most likely to protect the children attending that school or school district.

3. There is hereby created in the state treasury the “Public Safety For All School Children Fund”. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section and the awarding of competitive grants to schools or school districts for the protection of school children. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund. At the end of each biennium and after all statutorily or constitutionally required transfer of funds have been made, the state treasurer shall transfer the balance in the fund, except for gifts, donations, bequests, or money received from a federal source, created in this subsection in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Engler requested a roll call vote be taken on the adoption of SA 7. He was joined in his request by Senators Bray, Green, Loudon and Rupp.

Senator Kennedy offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for House Bill No. 265, Page 1, Line 10, by inserting immediately after “appropriate” the

following: “up to”.

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

SA 7, as amended, was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Green	Griesheimer	Gross
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Stouffer	Vogel—26		

NAYS—Senators

Bray	Days	Graham	Justus
Shoemyer	Smith	Wilson—7	

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

Senator Bray offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 265, page 35, section 160.933, line 17 of said page, by inserting after all of said line the following:

“161.380. 1. The department of elementary and secondary education shall develop standards for teaching in Missouri public schools no later than June 30, 2008. The standards shall be applicable to all public schools, including public charter schools.

2. Teaching standards shall include, but not be limited to, the following:

(1) Students actively participate and are successful in the learning process;

(2) Various forms of assessment are used to

monitor and manage student learning;

(3) The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior;

(4) The teacher uses professional communication and interaction with the school community;

(5) The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance; and

(6) The teacher acts as a responsible professional in the overall mission of the school.

3. The department may establish guidance for districts to consider in establishing the criteria by which teaching will be evaluated under the teaching standards.

4. In developing such teaching standards and evaluation models, the department shall involve representatives from the state teacher organizations, administration and principal organizations, Missouri advisory council for the certification of educators as created by section 168.015, Missouri staff development council, and colleges and universities.”; and

Further amend said bill, pages 37-39, section 161.660 by removing all of said section from the bill; and

Further amend said bill, pages 56-57, section 162.1162, by removing all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Bill No. 265, Pages 57-58, Section 162.1168, by striking all of said

section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp moved that **SS for HB 265**, as amended, be adopted, which motion prevailed.

Senator Rupp moved that **SS for HB 265**, as amended, be 3rd read and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS for HB 265**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Gibbons referred **HCS for HB 227**; **HCS for HB 457**, with **SCS**; and **HB 215**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

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

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 adopted the Conference Committee Report on **SCS for HCS for HB 5** and has taken up and passed **CCS for SCS for HCS for HB 5**.

Also,

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 **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

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 **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

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 **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross /s/ Allen Icet

/s/ Gary Nodler /s/ Ed Robb

/s/ Robert N. Mayer /s/ Bryan P. Stevenson

/s/ Joan Bray /s/ Rachel Storch

/s/ Timothy P. Green /s/ Leonard Hughes, IV

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and

ending June 30, 2008.

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

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

Margaret Donnelly

/s/ Timothy P. Green

Leonard Hughes, IV

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

YEAS—Senators

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

NAYS—Senator Shoemyer—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive’s Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators

Barnitz	Bray	Callahan	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer
Vogel	Wilson—30		

NAYS—Senator Shoemyer—1

Absent—Senators

Bartle	Champion—2
--------	------------

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross	/s/ Allen Iacet
/s/ Gary Nodler	/s/ Ed Robb
/s/ Robert N. Mayer	/s/ Bryan P. Stevenson
/s/ Joan Bray	/s/ James Whorton
/s/ Timothy P. Green	/s/ Belinda Harris

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

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Crowell	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp

Scott Shields Shoemyer Smith
 Stouffer Vogel Wilson—31

NAYS—Senators—None

NAYS—Senators—None

Absent—Senator Bartle—1

Absent—Senators

Absent with leave—Senator Coleman—1

Bartle Bray—2

Vacancies—None

Absent with leave—Senator Coleman—1

The President declared the bill passed.

Vacancies—None

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

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

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

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 6

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

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2007 and ending June 30, 2008.

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 7

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

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, 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:

YEAS—Senators

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

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:
 /s/ Charles R. Gross /s/ Allen Icet
 /s/ Gary Nodler /s/ Ed Robb
 /s/ Robert N. Mayer /s/ Bryan P. Stevenson
 /s/ Joan Bray /s/ Rachel Storch
 /s/ Timothy P. Green /s/ Robin S. Wright-Jones

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

YEAS—Senators

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

NAYS—Senator Graham—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Financial Institutions and Professional Registration, and Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1,

2007 and ending June 30, 2008.

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

YEAS—Senators

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

NAYS—Senator Graham—1

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

Senator Callahan 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 **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8** moved that the following conference committee report be

taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ Charles R. Gross
- /s/ Gary Nodler
- /s/ Robert N. Mayer
- /s/ Joan Bray
- /s/ Timothy P. Green

FOR THE HOUSE:

- /s/ Allen Icet
- /s/ Ed Robb
- /s/ Bryan P. Stevenson
- /s/ Michael Brown
- /s/ Jeff Roorda

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bartle Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bartle Koster—2

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Charles R. Gross

/s/ Allen Icet

/s/ Gary Nodler

/s/ Ed Robb

/s/ Robert N. Mayer

/s/ Bryan P. Stevenson

/s/ Joan Bray

/s/ Connie Johnson

/s/ Timothy P. Green

/s/ Jamilah Nasheed

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2007 and ending June 30, 2008.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bartle—1

Absent with leave—Senator Coleman—1

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 86**, entitled:

An Act to repeal sections 135.327 and 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits, with an emergency clause.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, Page 4, Line 6 by deleting the number “**2010**” and inserting in lieu thereof the following:

“**2011**”; and

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

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 86, Page 7,

Section 135.1150, Line 79, by inserting after all of said line the following:

“620.1300. **1.** A cost benefit analysis shall be prepared to evaluate the effectiveness of all tax credit programs, as defined by section 135.800, RSMo, and all programs operated by the department of economic development for which the department approves tax credits, loans, loan guarantees, or grants. Each analysis shall be conducted by the state auditor, and shall include, but not be limited to, the costs for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program. The result of each analysis shall be published and distributed, by January 1, 2001, and at least every four years thereafter, to the governor, the speaker of the house of representatives, the president pro tem of the senate, the chairman of the house budget committee, the chairman of the senate appropriations committee, the joint committee on tax policy, and the joint committee on economic development policy and planning.

2. No later than September 1, 2007, the president pro tem of the senate and speaker of the house of representatives shall designate no less than fourteen tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2008. No later than July 1, 2008, the president pro tem of the senate and speaker of the house of representatives shall designate no less than half of the tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253,

RSMo, and have not been previously reviewed as provided under this section, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2009. No later than July 1, 2009, the president pro tem of the senate and speaker of the house of representatives shall designate all of the remaining tax credit programs, authorized under Missouri law, which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, and have not been previously reviewed as provided under this section, for review by the budget committee of the house and appropriations committee of the senate with any findings made by such committees to be reported to the general assembly no later than February 1, 2010. In the event the president pro tem of the senate and the speaker of the house of representatives either: fail to agree on the designation of tax credits as required under the provisions of this section; or fail to submit such tax credits for review, all tax credits, authorized under Missouri law which as of the effective date of this section are not subject to the provisions of section 23.253, RSMo, shall be reviewed by the budget committee of the house and the appropriations committee of the senate with any findings made by such committees to be reported to the general assembly in the following manner:

(1) All domestic and social tax credits, environmental tax credits, and training and educational tax credits, as such terms are defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2008;

(2) All agricultural tax credits, housing tax credits, and redevelopment tax credits, as such terms are defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2009; and

(3) All business recruitment tax credits, community development tax credits, and entrepreneurial tax credits, as such terms are

defined in section 135.800, RSMo, shall be reviewed no later than February 1, 2010.

3. Other provisions of law to the contrary notwithstanding, tax credits authorized under any provision of Missouri law which, as of the effective date of this section, are not subject to the provisions of section 23.253, RSMo, shall not be approved after December 31, 2011, unless:

(1) The general assembly adopts a concurrent resolution authorizing the approval of such tax credits thereby reauthorizing such tax credit program, after such program has been subject to review and had findings reported by both the budget committee of the house or the appropriations committee of the senate as provided in this section; or

(2) By enactment of a general law modifying the provisions of such tax credit program.

Any program so reauthorized or reenacted shall constitute a new program, as such term is used under section 23.253, RSMo, and shall be subject to the provisions of such section. Nothing in this section shall be construed to prohibit a taxpayer from being issued or redeeming tax credits approved prior to December 31, 2010, subject to the limitations provided in the provisions of law authorizing such tax credit.”; 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.

PRIVILEGED MOTIONS

Senator Champion moved that SCS for SB 86, with HCS, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SB 86, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 86

An Act to repeal sections 135.327 and 135.1150, RSMo, and to enact in lieu thereof two new sections relating to tax credits, with an emergency clause.

Was taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 86**, as amended, be adopted.

Senator Bray raised the point of order that **HCS** for **SCS** for **SB 86**, as amended, is out of order as it goes beyond the title of the original bill.

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

HCS for **SCS** for **SB 86**, as amended, was again taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 86**, as amended, be adopted.

At the request of Senator Champion, the motion to adopt **HCS** for **SCS** for **SB 86**, as amended, was withdrawn which placed the bill back on the Calendar.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 62** and **41**, as amended: Senators Goodman, Vogel, Rupp, Justus and Barnitz.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1259, regarding Theodore Raymond "Ted" Kremer, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1260, regarding Tiffany Johnson, which was adopted.

Senator Engler offered Senate Resolution No. 1261, regarding Carl G. Wilson, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1262, regarding Ted Weiss, Bismark, which was adopted.

Senator Engler offered Senate Resolution No. 1263, regarding Jo Peukert, which was adopted.

Senator Engler offered Senate Resolution No. 1264, regarding Rod Denman, which was adopted.

Senator Engler offered Senate Resolution No. 1265, regarding Janice K. Mason, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1266, regarding Marty Thebeau, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1267, regarding Karen Dotson, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1268, regarding Lois Haworth, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1269, regarding Velma Berberich, Festus, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1270, regarding Abbi Howe, Kirksville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1271, regarding Philip William Isley, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1272, regarding Max Pepper, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1273, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Chasteen, Liberty, which was adopted.

Senators Vogel and Graham offered Senate Resolution No. 1274, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Klein,

Columbia, which was adopted.

Senator Gibbons offered Senate Resolution No. 1275, regarding Christopher Brown, which was adopted.

Senator Gibbons offered Senate Resolution No. 1276, regarding Alyssa Mayer, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Robb R. Hicks, IV, M.D., Cape Girardeau.

Senator Gross introduced to the Senate, Dr. Carol Ryan, Cape Girardeau.

Senator Scott introduced to the Senate, Lin

Morgan and students from Montrose R-XIV School District.

Senator Rupp introduced to the Senate, Bruce and Carol Rhodes and their children, Payton, Brianna, Grace and Braden, Troy.

Senator Gibbons introduced to the Senate, sixty-five fourth grade students from Westchester Elementary School, Kirkwood; and George Hansen, Jack Huffman, Hallie Meyer, Kamal Rehmat, Maddie Varble and Sierra Acker were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Thursday, May 10, 2007.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 10, 2007

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 758-Brown (50)

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 571-Mayer, with SCS | 8. SBs 348, 626 & 461-Koster, et al, with SCS |
| 2. SB 652-Coleman and Gibbons, with SCS | 9. SJR 15-Green |
| 3. SB 699-Lager, with SCS | 10. SB 629-Smith, with SCS |
| 4. SB 11-Coleman, with SCS | 11. SB 122-Bray and Days, with SCS |
| 5. SB 536-Lager, with SCS | 12. SB 491-Ridgeway |
| 6. SB 552-Bartle | |
| 7. SB 484-Stouffer, with SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 74 (Scott) (In Fiscal Oversight)

HB 801-Kraus, et al, with SCS (Engler)

HCS for HB 914 (Scott) (In Fiscal Oversight)
 HCS for HBs 619 & 118, with SCS
 (Griesheimer)
 HB 215-Stevenson, et al, with SCS (Goodman)
 (In Fiscal Oversight)

HCS for HB 457, with SCS
 (In Fiscal Oversight)
 HCS for HB 227 (Mayer)
 (In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 303-Loudon
 SS#4 for SCS for SB 430-Shields

SS for SB 570-Clemens

SENATE BILLS FOR PERFECTION

SB 2-Gibbons, with SCS
 SB 17-Shields, with SCS
 SB 20-Griesheimer, with SCS
 SB 27-Bartle and Koster
 SB 53-Koster and Engler, with SCS
 SB 101-Mayer
 SB 131-Rupp
 SB 153-Engler, et al, with SCS
 SB 155-Engler, with SCS & SS for SCS
 (pending)
 SB 160-Rupp, with SCS
 SB 168-Mayer and Crowell, with SCS, SS
 for SCS & SA 1 (pending)
 SB 169-Rupp, with SCS, SS for SCS & SA 3
 (pending)
 SB 205-Stouffer and Gibbons, with SCS
 SB 212-Goodman
 SB 213-McKenna
 SB 242-Nodler, with SCS
 SB 250-Ridgeway and Vogel
 SB 252-Ridgeway and McKenna
 SB 254-Nodler, et al, with SCS
 SBs 260 & 71-Koster, et al, with SCS
 SB 274-Shields
 SB 282-Griesheimer, with SCS & SS for
 SCS (pending)
 SB 287-Crowell and Vogel, with SS
 (pending)

SB 292-Mayer
 SB 297-Loudon, with SCS
 SB 300-Bartle
 SB 341-Goodman, with SCS
 SB 363-Bartle
 SB 364-Koster, with SCS, SS for SCS, SA 1
 & SSA 1 for SA 1 (pending)
 SBs 370, 375 & 432-Scott and Koster,
 with SCS & SA 5 (pending)
 SBs 372 & 366-Justus and Koster, with SCS
 SB 385-Gibbons, with SCS
 SB 388-Mayer, with SCS
 SB 400-Crowell, et al
 SB 444-Goodman
 SB 453-Scott, with SCS
 SB 458-Gibbons
 SB 476-Crowell
 SB 480-Ridgeway, et al, with SCS
 SB 492-Crowell
 SB 499-Engler and Clemens, with SCS
 SB 511-Scott, with SCS
 SB 521-Lager, et al, with SCS
 SB 523-Scott, with SCS
 SB 531-Gibbons, with SCS
 SB 534-Nodler
 SB 537-Lager
 SB 542-Scott, with SCS
 SBs 555 & 38-Gibbons, with SCS

SB 563-Lager, with SCS & SS for SCS (pending)	SB 627-Ridgeway
SB 572-Vogel	SB 635-Loudon, with SCS
SB 586-Crowell, with SCS	SB 644-Griesheimer
SB 592-Scott, with SCS	SBs 660, 553, 557, 167, 258, 114 & 378-Mayer, with SCS
SB 599-Engler, with SCS	SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 39, with SCS (Koster)	HB 527-Cooper (120) (Scott)
HB 42-Portwood, with SCS (Koster)	HCS for HB 551, with SCS & SS for SCS (pending) (Koster)
HB 46-Viebrock and Stevenson (Stouffer)	HCS for HB 583, with SCS (Gibbons)
HB 69-Day, with SCS (Barnitz)	HB 596-St. Onge, with SCS (Stouffer)
HCS for HB 98 (Scott)	HCS for HB 620, with SCS (Ridgeway)
HB 125-Franz, with SCS (Shoemyer)	HCS for HBs 654 & 938 (Crowell)
HCS for HB 135, with SCS (Koster)	HB 686-Smith (150) and Tilley (Stouffer)
HB 155-Dusenberg, et al (Ridgeway)	HCS for HB 741 (Koster)
HCS for HB 165, with SCS (Griesheimer)	HCS for HB 774 (Crowell)
HCS for HB 184 (Rupp)	SS for SCS for HCS for HB 780 (Scott) (In Fiscal Oversight)
HCS for HB 245 (Stouffer)	HCS for HB 818, with SCS & SS for SCS (pending) (Loudon)
SS for HB 265-Cunningham (86) (Rupp) (In Fiscal Oversight)	HCS for HB 820, with SA 2 & SSA 1 for SA 2 (pending) (Engler)
HB 267-Jones (117) and Cunningham (86), with SA 5 (pending) (Rupp)	HCS for HB 827, with SCS (Justus)
HB 269-Nolte, et al (Ridgeway)	HCS for HB 845 (Crowell)
HCS for HB 329, with SCS (Scott)	HB 875-Franz, with SCS (Crowell)
HCS for HB 346 (Clemens)	HCS for HB 894, with SCS (Days)
HCS for HB 431, with SCS (Goodman)	HB 1014-Wright, et al, with SCS (Mayer)
HB 454-Jetton, et al (Mayer)	HCS for HB 1055, with SCA 1 (Scott)
HB 462-Munzlinger, et al (Purgason)	HCS for HJR 1, with SCS (Rupp)
HCS for HB 469, with SCS (Crowell)	HJR 7-Nieves, et al, with SCS (pending) (Engler)
HB 482-Walton, et al (Goodman)	HJR 19-Bearden, et al (Ridgeway)
HB 489-Baker (123), et al, with SCS (Shields)	
HB 526-Pratt (Loudon)	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 54-Koster, with HCS, as amended

SB 666-Scott, with HCS, as amended

SCS for SB 86-Champion, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 25-Champion, with HCS, as amended
(Senate adopted CCR and passed CCS)
SB 30-Nodler and Ridgeway, with HCS, as amended
SCS for SBs 62 & 41-Goodman and Koster, 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 82-Griesheimer, with HCS, as amended
SB 84-Champion, with HCS, as amended
SCS for SB 156-Engler, with HCS, as amended
SCS for SB 198-Mayer, with HCS
SB 233-Crowell, with HAs 1, 2, 3, 4 & 5
(Senate adopted CCR and passed CCS)
SCS for SB 308-Crowell, et al, with HCS, as amended

SB 406-Crowell, with HCS#2, as amended
SB 416-Goodman, with HCS
HCS for HB 10, with SCS (Gross)
HCS for HB 11, with SCS, as amended (Gross)
HCS for HB 12, with SCS (Gross)
HCS for HB 13, with SCS (Gross)
HCS for HB 327, with SS for SCS, as amended (Griesheimer)
(Senate requests House grant further conference)
HB 488-Wasson, with SA 1 (Stouffer)
HB 574-St. Onge, with SA 1 & SA 3 (Stouffer)
HB 665-Ervin, et al, with SS, as amended (Ridgeway)

Requests to Recede or Grant Conference

SB 166-Griesheimer, with HCS
(Senate requests House recede
and take up and pass the bill)

RESOLUTIONS

Reported from Committee

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

HCR 8-Loehner, et al (Barnitz)
SCR 9-Crowell
SCR 20-Crowell
HCR 24-Wilson (130), et al (Mayer)
HCR 20-Guest, et al, with SCS (Purgason)

T

Journal

Copy