

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 14, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said: "I am in perpetual anxiety lest...an accidental quarrel, a personal insult, an imprudent order...make a breach that can never afterward be healed." (October 6, 1774)

Merciful God, it feels as if we just left the chamber to rest and we are still tired and we are back here. We know that sometimes we may be short on patience so we need Your help this day so that we might practice what we have been taught and concerned how we treat another. So walk with us this day as we discuss and discern the needs of the people of this state and how to be instruments of healing our hurting world. 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	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
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

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 2739, regarding the Seventieth Ordination Anniversary of Monsignor James Hartnett, St. Louis, which was adopted.

Senators McKenna and Green offered Senate Resolution No. 2740, regarding Ernie Brown, which was adopted.

Senator Graham offered Senate Resolution No. 2741, regarding Robert A. Bach, Moberly, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS for HCR 21**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCRs 43** and **46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

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

HOUSE BILLS ON THIRD READING

HB 1628, introduced by Representative Cooper (120), entitled:

An Act to repeal section 142.869, RSMo, and to enact in lieu thereof one new section relating to alternative fuel decals, with penalty provisions.

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

Senator Lager assumed the Chair.

Senator Dempsey assumed the Chair.

Senator Scott moved that **HB 1628** be read the 3rd time and finally passed.

At the request of Senator Scott, the above motion was withdrawn which placed **HB 1628** back on the Consent Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 711**, as amended. Representatives: Sutherland, Stream, Portwood, Talboy and Zweifel.

On motion of Senator Shields, the Senate recessed until 1:30 p.m.

RECESS

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

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 2742, regarding Aaron D. Wesche, New Haven, which was adopted.

Senator Champion offered Senate Resolution No. 2743, regarding Robert C. Fulp, Springfield, which was adopted.

Senator Green offered Senate Resolution No. 2744, regarding Evan Theodore Meiners, Florissant, which was adopted.

Senator Loudon offered Senate Resolution No. 2745, regarding Farmers Insurance, which was adopted.

Senator Graham offered Senate Resolution No. 2746, regarding Marge Gibson, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 1790, HB 1805, introduced by Representative Schaaf, et al, and **HCS for HB 1546**, with **SCS**, entitled respectively:

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

An Act to repeal sections 192.667 and 197.150, RSMo, and to enact in lieu thereof two new sections relating to infections, with a penalty provision.

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

SCS for HCS for HB 1790, HB 1805 and **HCS for HB 1546**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1790
and
HOUSE BILL NO. 1805
and
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1546

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, 190.245, 192.667, 197.150, and 354.535, RSMo, and to enact in lieu thereof ten new sections relating to health care services, with a penalty provision.

Was taken up.

Senator Shields moved that **SCS for HCS for HB 1790, HB 1805** and **HCS for HB 1546** be adopted, which motion failed.

At the request of Senator Shields, **HCS** for **HB 1790** was placed on the Informal Calendar.

HB 1805 was placed on the Informal Calendar.

HCS for **HB 1546** was placed on the Informal Calendar.

HCS for **HB 1393**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

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

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

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“Section 1. Every person who engages in the profession or hobby of skydiving shall wear protective headgear. Such headgear shall conform to the standards promulgated by the director of public safety.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill and is outside the title.

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

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“Section 1. All persons operating or riding as a passenger on a bicycle, as defined in section 307.180, RSM0, upon any highway of this state shall wear protective headgear at all times the bicycle is in motion.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 2** is out of order as it goes beyond the subject matter of the bill.

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

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

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

NAYS—Senators

Barnitz	Bartle	Callahan	Champion	Clemens	Crowell	Days	Dempsey
Engler	Gibbons	Goodman	Griesheimer	Justus	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel—28				

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

Senator Kennedy offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 1393, Page 2, Section 302.020, Line 31, by inserting immediately after said line the following:

“4. Any person twenty-one years of age or older who chooses to operate any motorcycle or motortricycle upon any highway of this state without protective headgear shall show proof of and shall maintain medical coverage under a health benefit plan as defined in section 376.1350, RSMo, or under a self-insurance plan at a minimum level of one million dollars. Proof of such medical coverage shall be provided each time the person applies for or renews a motorcycle license or when the person is stopped for any violation arising out of acts committed while operating a motorcycle or motortricycle. The director of revenue shall suspend the registration of any motorcycle or motortricycle being operated by any person who fails to comply with the provisions of this subsection.”.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Ridgeway raised the point of order that **SA 6** is out of order as it goes beyond the scope of the underlying bill.

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

SA 6 was again taken up.

Senator Champion offered **SA 1 to SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to House Committee Substitute for House Bill No. 1393, Page 1, Section 302.020, Line 8, by inserting after **“dollars.”** the following: **“Any person operating or riding as a passenger in a motor vehicle without a hardtop, such as a convertible, shall also submit proof of medical coverage in the amount of one million dollars. Children under the age of sixteen shall not be passengers in a motor vehicle without a hardtop without wearing protective headgear.”**

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

SA 6 was again taken up.

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

Senator Engler assumed the Chair.

At the request of Senator Ridgeway, **HCS** for **HB 1393** was placed on the Informal Calendar.

HCS for **HB 1700**, with **SCS**, was placed on the Informal Calendar.

HCS for **HJR 43**, with **SCS**, was placed on the Informal Calendar.

HB 1995 was placed on the Informal Calendar.

HB 1716 was placed on the Informal Calendar.

HCS for **HBs 1831** and **1472** was placed on the Informal Calendar.

HCS No. 2 for **HB 1423**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1626**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to public assistance for illegal immigrants.

Was taken up by Senator Ridgeway.

At the request of Senator Ridgeway, **HCS** for **HB 1626** was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

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

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

RESOLUTIONS

Senator Engler offered Senate Resolution No. 2747, regarding Debra L. Detring, Farmington, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1550**, entitled:

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091, 211.101, and 211.161, RSMo, and to enact in lieu thereof eleven new sections relating to juvenile courts, with penalty provisions.

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

Senator Dempsey offered **SS** for **HCS** for **HB 1550**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1550

An Act to repeal sections 167.031, 211.021, 211.033, 211.034, 211.041, 211.061, 211.071, 211.091,

211.101, and 478.466, RSMo, and to enact in lieu thereof eleven new sections relating to courts, with penalty provisions and a contingent effective date for certain sections.

Senator Dempsey moved that **SS** for **HCS** for **HB 1550** be adopted.

Senator Lager offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1550, Page 19, Section 478.466, Line 22, by inserting after all of said line the following:

“559.600. In cases where the board of probation and parole is not required under section 217.750, RSMo, to provide probation supervision and rehabilitation services for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities **or other court-approved entity** to provide such services. The court-approved [private] entity, **including private or other entities**, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by the judges for class A, B, and C misdemeanor offenses, specifically including persons placed on probation for violations of section 577.023, RSMo. Nothing in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a circuit where the judges have entered into a contract with a [private] probation entity.”; and

Further amend the title and enacting clause accordingly.

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

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1550, Page 18, Section 211.101, Line 15, by inserting immediately after said line the following:

“221.515. **1.** Any person designated a jailer under the provisions of this chapter shall have the power to serve [an arrest warrant] **civil process and arrest warrants** on any person who **surrenders himself or herself to the facility under an arrest warrant** or is already an inmate in the custody of the facility in or at which such jailer is employed.

2. Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers in this state under the provisions of this chapter.

3. Such persons authorized to act by the sheriff as jailers under the rules and regulations of the sheriff shall have the same power as granted any other law enforcement officers in this state to arrest escaped prisoners and apprehend all persons who may be aiding and abetting such escape while in the custody of the sheriff in accordance with state law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dempsey moved that **SS** for **HCS** for **HB 1550**, as amended, be adopted, which motion prevailed.

On motion of Senator Dempsey, **HCS** for **HB 1550**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Shields moved that **HCS** for **HB 1790** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Shields offered **SS** for **HCS** for **HB 1790**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1790

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

Senator Shields moved that **SS** for **HCS** for **HB 1790** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1790, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“96.160. 1. Each facility established or operated and maintained under the provisions of sections 96.150 to 96.228 shall be governed by a board of trustees who shall serve without compensation. Each such board of trustees shall consist of five trustees, who shall be citizens of the city, unless the council shall provide by ordinance for a larger board of not more than fifteen trustees. Trustees shall be appointed by the mayor with the approval of the council and shall be chosen with reference to their fitness for such position; provided no member of the city council and no member of the immediate family of a member of the city

council shall be a member of the board.

2. An ordinance providing for a larger board of trustees [shall require that three-fifths of such trustees shall be citizens of the city and] may provide that **some or all of the [remaining] trustees** need not be citizens of the city, but shall be citizens of the state of Missouri.

3. Any city establishing or maintaining and operating more than one health care facility may provide by ordinance that one board of trustees shall manage and operate two or more health care facilities.”; and
Further amend the title and enacting clause accordingly.

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

On motion of Senator Shields, **SS for HCS for HB 1790**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS for HCS for HB 1790**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator 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 HBs 1788 and 1882 was placed on the Informal Calendar.

HCS for HB 1314, with **SCS**, was placed on the Informal Calendar.

HCS for HBs 2062 and 1518, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1883, with **SCS**, entitled:

An Act to repeal section 320.336, RSMo, and to enact in lieu thereof one new section relating to employee job protection.

Was taken up by Senator Loudon.

SCS for HCS for HB 1883, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1883

An Act to repeal sections 287.020, 287.200, 287.230, 290.505, and 320.336, RSMo, and to enact in lieu thereof seven new sections relating to employment, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 1883** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HCS** for **HB 1883** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

HB 2191, with **SCS**, introduced by Representative Nasheed, et al, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

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

SCS for **HB 2191**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2191

An Act to repeal sections 160.545 and 173.258, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Was taken up.

Senator Coleman moved that **SCS** for **HB 2191** be adopted.

Senator Coleman offered **SS** for **SCS** for **HB 2191**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2191

An Act to repeal sections 160.545, 173.256, and 173.258, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

Senator Coleman moved that **SS** for **SCS** for **HB 2191** be adopted, which motion prevailed.

On motion of Senator Coleman, **SS** for **SCS** for **HB 2191** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

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

RECESS

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

CONFERENCE COMMITTEE REPORTS

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 711**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 711, with House Amendment Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment Nos. 4 and 5, House Amendment No. 2 to House Amendment No. 6, House Amendment No. 6, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 711;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 711, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael R. Gibbons

/s/ Carl M. Vogel

/s/ John E. Griesheimer

/s/ Harry Kennedy

/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Michael Sutherland

/s/ Rick Stream

/s/ Dr. Charles R. Portwood

/s/ Michael Talboy

/s/ Clint Zweifel

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

YEAS—Senators

Barnitz Bartle Bray Callahan Champion Clemens Coleman Crowell

Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **CCS** for **HCS** for **SS** for **SCS** for **SB 711**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 711

An Act to repeal sections 52.240, 67.110, 135.010, 135.025, 135.030, 137.016, 137.055, 137.073, 137.082, 137.092, 137.106, 137.115, 137.122, 137.180, 137.245, 137.275, 137.335, 137.355, 137.375, 137.390, 137.490, 137.510, 137.515, 137.720, 137.721, 137.1018, 138.010, 138.050, 138.090, 138.100, 138.110, 138.120, 138.170, 138.180, 138.380, 138.390, 138.395, 138.400, 138.430, 139.031, 163.044, and 164.151, RSMo, and to enact in lieu thereof forty-four new sections relating to property taxation, with penalty provisions.

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

YEAS—Senators

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

Wilson—33

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 1288**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SB 1288**, as amended. Representatives: Cooper (120), May, Cox, Frame and Low (39).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 930** and **947**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 930** and **947**, as amended. Representatives: St. Onge, Hobbs, Quinn (7), Fallert and Quinn (9).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 720**, as amended, and grants the Senate a conference thereon, and the conferees to exceed the differences in Section 393.275, Section 393.171 and the court imposition of certain damages.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 720**, as amended. Representatives: Smith (150), Schoeller, Emery, Skaggs and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1168**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1039**, entitled:

An Act to repeal sections 190.094 and 190.335, RSMo, and to enact in lieu thereof two new sections

relating to emergency services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 951**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 991**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 753, 728, 906** and **1026**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of memorial highways.

In which the concurrence of the Senate is respectfully requested.

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 **SB 720**, as amended: Senators Engler, Dempsey, Lager, Coleman and Barnitz.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 1288**, as amended: Senators Shields, Gibbons, Goodman, Coleman and Kennedy.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 930** and **947**, as amended: Senators Stouffer, Rupp, Scott, Kennedy and Shoemyer.

HOUSE BILLS ON THIRD READING

Senator Callahan moved that **HB 2081**, with **SCS**, **SS** for **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 9 was again taken up.

Senator Loudon offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2081, Page 8, Section 194.119, Line 1 of said page, by inserting immediately after said line the following:

“324.1230. As used in sections 324.1230 to 324.1245, the following terms shall mean:

- (1) “Antepartum”, before birth;**
- (2) “Board”, the board of professional midwives;**
- (3) “Client”, a person who retains the services of a professional midwife;**
- (4) “Division”, the division of professional registration;**
- (5) “Intrapartum”, during birth;**
- (6) “Postpartum”, after birth;**

(7) “Practice of professional midwifery”, the science and art of examination, evaluation, assessment, counseling, and treatment of women and infants by a professional midwife in the antepartum, intrapartum, and postpartum period by those methods commonly taught in any midwifery school, or midwifery program in a university or college which has been accredited by the Midwifery Education Accreditation Council, its successor entity or approved by the board; including identifying and referring women who require obstetrical or other professional care. It shall not include the use of operative surgery, nor the prescribing of drugs. The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter. The practice of professional midwifery is not the practice of nurse-midwifery or nursing within the meaning of chapter 335, RSMo, and not subject to the provisions of the chapter;

(8) “Professional midwife”, any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period.

324.1231. 1. There is hereby created and established within the division of professional registration a “Board of Professional Midwives” which consists of five members appointed by the governor with the advice and consent of the senate. Each member shall be a United States citizen and a resident of this state for at least one year immediately preceding their appointment. Of these five members, one member shall be a public member, four members shall be licensed professional midwives who attend births in homes or other out-of-hospital settings, provided that the first midwife members appointed need not be licensed at the time of appointment if they are actively working toward licensure under the provisions of sections 324.1230 to 324.1245.

2. The initial appointments to the board shall be one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years. After the initial terms, each member shall serve a five-year term. No member of the board shall serve more than two consecutive five-year terms. All successor members shall be appointed for five-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the board for any reason shall be filled by appointment by the governor for the unexpired term.

3. The public member shall not be, nor have previously been, a member of any profession regulated by chapter 334 or 335, RSMo, or under sections 324.1230 to 324.1245, or the spouse or immediate family member of such person. The public member is subject to the provisions of section

620.132, RSMo.

4. The board may sue and be sued in its own name and its members need not be named parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members. No board member shall be personally liable for any court costs which accrue in any action by or against the board.

5. Notwithstanding any other provision of law to the contrary, any appointed member of the board shall receive as compensation an amount established by the director of the division not to exceed seventy dollars per day for board business plus actual and necessary expenses.

6. The division shall employ administrative and clerical personnel necessary to enforce the provisions of sections 324.1230 to 324.1245.

7. The board shall hold an annual meeting at which time it shall elect from its membership a chairperson and a vice chairperson. The board may hold such additional meetings as may be required in the performance of its duties. A quorum of the board shall consist of a majority of its members.

8. Pursuant to section 620.106, RSMo, no new licensing activity or other statutory requirements shall become effective until expenditures or personnel are specifically appropriated for the purpose of conducting the business as required to administer the provisions of sections 324.1230 to 324.1245 and the initial rules filed have become effective.

324.1233. 1. Applications for licensure as a professional midwife shall be in writing, submitted to the board on forms prescribed by the board, and furnished to the applicant. Each application shall contain a statement that it is made under oath or affirmation that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. Each applicant for licensure shall:

(1) Present evidence of current certification by the North American Registry of Midwives as a certified professional midwife;

(2) Present evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(3) Comply with the written disclosure requirement under subsection 1 of section 324.1239.

3. The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to provide the board with the information required for renewal, or to pay the renewal fee after such notice, shall result in the license expiring. The license shall be reinstated if, within two years of the renewal date, the applicant submits the required documentation and pays the applicable fees as approved by the board.

4. Each license issued pursuant to the provisions of this section shall expire three years after the date of its issuance. Each applicant for renewal shall submit:

(1) Evidence of attendance at a minimum of ten hours per year of continuing education in midwifery or related fields;

(2) Evidence of attendance at a minimum of three hours per year of peer review;

(3) Evidence of current certification in basic life support for healthcare providers, and either infant cardiopulmonary resuscitation or neonatal resuscitation; and

(4) The renewal fee set by the board.

5. The board may refuse to issue or renew any certificate of registration or authority, permit, or license required pursuant to this chapter for one or any combination of causes stated in subsection 6 of this section. The board shall notify the applicant in writing of the reasons for the 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 6 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefore, 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.

6. 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 or registration or authority, permit, or license for any one or any combination of the following causes:

(1) Engaging in conduct detrimental to the health or safety of either the mother or infant, or both, as determined by the board;

(2) Having an unpaid judgment resulting from providing professional midwifery services;

(3) Procuring or attempting to procure a license under sections 324.1230 to 324.1245 by making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for licensure, or through any form of fraud or misrepresentation;

(4) Failing to meet the minimum qualifications for licensure or renewal established under sections 324.1230 to 324.1245;

(5) Paying money or other valuable consideration, other than as provided for under sections 324.1230 to 324.1245, to any member or employee of the board to procure a license under sections 324.1230 to 324.1245;

(6) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of professional midwives as prescribed under sections 324.1230 to 324.1245;

(7) Violating, assisting, or enabling any person to willfully disregard any of the provisions of sections 324.1230 to 324.1245, or the rules of the board for the administration and enforcement of the

provisions of sections 324.1230 to 324.1245;

(8) Violating any term or condition of a license issued by the board under the authority of sections 324.1230 to 324.1245;

(9) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(10) Assisting or enabling a person to practice or offer to practice any profession licensed or regulated by sections 324.1230 to 324.1245 who is not licensed and currently eligible to practice under sections 324.1230 to 324.1245; or

(11) Using any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

7. After the filing of such 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 provided in subsection 6 of this section for disciplinary action are met, the board may, singly or in combination, warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or restrict or limit the person's license, certificate, or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

8. The division may promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1235. 1. The board shall promulgate rules as necessary in accordance with the provisions of chapter 536, RSMo, to establish:

(1) An application process and administrative procedures for processing applications and issuing professional midwife licenses and for conducting disciplinary proceedings under the provisions of sections 324.1230 to 324.1245;

(2) Practice guidelines consistent with standards regarding the practice of midwifery established by the North American Registry of Midwives and the National Association of Certified Professional Midwives, or a successor organization whose essential documents include without limitation subject matter concerning scope of practice, standards of practice, informed consent, appropriate

consultation, collaboration or referral, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery practice when necessary; and

(3) Reasonable rules as deemed necessary by the board to carry out and enforce the provisions of sections 324.1230 to 324.1245.

2. The board shall:

(1) Investigate to verify such applicant's qualifications. If the results of the investigation are satisfactory to the board and the applicant is otherwise qualified, the board shall issue to the applicant a license authorizing the applicant to act as a professional midwife in Missouri;

(2) Set the amount of fees authorized by sections 324.1230 to 324.1245 and required by rules promulgated under section 536.021, RSMo. The fees shall be set at a level to produce revenue that does not substantially exceed the cost and expense of administering sections 324.1230 to 324.1245;

(3) Perform such other functions and duties as necessary to carry out the provisions of sections 324.1230 to 324.1245;

(4) Provide a form for use in the event of transfer to emergency care detailing for the mother:

- (a) Name, age, and birth date;
- (b) Parity;
- (c) Estimated delivery date;
- (d) Results of routine blood tests;
- (e) Results of any lab tests;
- (f) Reason for transfer of care; and
- (g) Vital signs;

(5) Provide a form for use in the event of transfer to emergency care detailing for the baby:

- (a) Name of the mother and the baby;
- (b) Sex of the baby;
- (c) Estimated gestational age;
- (d) Vital signs;
- (e) APGAR scores; and
- (f) Reason for transfer of care.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

324.1237. There is hereby established in the treasury a fund to be known as the “Board of Professional Midwives Fund” which shall consist of all gifts, donations, transfers, and moneys appropriated by the general assembly. All funds received by the board pursuant to the provisions of sections 324.1230 to 324.1245 shall be collected by the director of the department who shall transmit the funds to the department of revenue for deposit in the state treasury to the credit of the board of professional midwives fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys in the fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the fund for the preceding fiscal year.

324.1239. 1. Every licensed professional midwife shall present a written disclosure statement to each client, which shall be signed by the client and kept with the client's records, and which shall include but not be limited to, the following:

- (1) A description of professional midwifery education and related training;
- (2) Licensure as a professional midwife, including the effective dates of the licensure;
- (3) The benefits and risks associated with childbirth in the setting selected by the client;
- (4) A statement concerning the licensed professional midwife's collaborative arrangements with other healthcare professionals, including licensed physicians;
- (5) A statement concerning the licensed professional midwife's malpractice or liability insurance coverage; and
- (6) A written plan, specific to the client, for obtaining medical care, when necessary, which shall include:
 - (a) The name and phone number of the hospital or other healthcare facility to which transfer is preferred should emergency care become necessary; and
 - (b) The plan, protocol, or standing order for fulfilling maternal screening tests and laboratory work required by state statute.

2. Licensed professional midwives shall carry medical malpractice insurance in the amount of at least one million dollars.

324.1240. 1. Nothing in sections 324.1230 to 324.1245 shall be construed to apply to a person who provides information and support in preparation for labor and delivery and assists in the delivery of an infant if that person does not do the following:

- (1) Advertise as a midwife or as a provider of midwife services;
- (2) Accept compensation for midwife services; and
- (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

2. Nothing in sections 324.1230 to 324.1245 shall be construed to prohibit the attendance at birth of the mother's choice of family, friends, or other uncompensated labor support attendants.

324.1241. 1. Any hospital, physician, nurse, emergency services personnel, or any other licensed health care professional who renders emergency care, treatment, or assistance to any person or persons, when the need of such care, treatment, or assistance arises from care provided by a licensed

professional midwife, shall not be held liable for any civil damages except for acts of negligence or those occasioned by willful and wanton acts by such person in rendering such emergency care, treatment, or assistance.

2. A licensed health care provider or facility shall not be disciplined for assisting, enabling, aiding, procuring, advising, or encouraging any person licensed to practice professional midwifery who is practicing within the confines of sections 324.1230 to 324.1245.

324.1242. 1. When a birth or stillbirth occurs without a physician in attendance at or immediately after the birth or stillbirth, but with a licensed professional midwife in attendance at or immediately after the birth, it shall be the responsibility of the licensed professional midwife to prepare and file the certificate of birth as required by section 193.085, RSMo, and the reports required under section 193.165, RSMo, and section 210.050, RSMo.

2. Licensed professional midwives shall follow the newborn screening requirements for health care providers with respect to infants born in this state as described under subsections 1, 2, and 5 of section 191.331, RSMo.

3. Licensed professional midwives shall be required to retain patient records for a period of six years and keep such records confidential consistent with the provisions of the federal Health Insurance Portability and Accountability Act, as amended.

324.1243. No licensed professional midwife shall be permitted to:

- (1) Prescribe drugs;
- (2) Perform medical inductions or cesarean sections during the delivery of an infant;
- (3) Use forceps during the delivery of an infant;
- (4) Perform vacuum delivery of an infant;
- (5) Perform an abortion as defined in chapter 188, RSMo; or
- (6) Administer prescription drugs, with exceptions limited to:
 - (a) Neonatal use of prophylactic ophthalmic medications as required in section 210.070, RSMo, vitamin K, and oxygen; and
 - (b) Maternal use of Rho (D) immune globulin, oxygen, local anesthetic, and oxytocin and methylergonovine maleate as postpartum antihemorrhagics.

324.1244. 1. Notwithstanding any other provision of law, a licensed professional midwife providing a service of professional midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

2. The provisions of sections 324.1230 to 324.1245 shall be remedial and curative in nature.

324.1245. Any person who violates the provisions of sections 324.1230 to 324.1245, or any rule or order promulgated under authority granted by sections 324.1230 to 324.1245 is guilty of a class A misdemeanor.”; and

Further amend said bill, page 9, section 333.011, line 6 of said page, by inserting immediately after said line the following:

“334.010. 1. It shall be unlawful for any person not now a registered physician within the meaning of

the law to practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery] in this state, except as herein provided. **The practice of professional midwifery is not the practice of medicine or osteopathy within the meaning of chapter 334, RSMo, and not subject to the provisions of the chapter.**

2. For the purposes of this chapter, the “practice of medicine across state lines” shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo.

334.120. 1. There is hereby created and established a board to be known as “The State Board of Registration for the Healing Arts” for the purpose of registering, licensing and supervising all physicians and surgeons[, and midwives] in this state. **The purpose of the board shall not include registering, licensing, or supervising of professional midwives.** The board shall consist of nine members, including one voting public member, to be appointed by the governor by and with the advice and consent of the senate, at least five of whom shall be graduates of professional schools accredited by the Liaison Committee on Medical Education or recognized by the Educational Commission for Foreign Medical Graduates, and at least two of whom shall be graduates of professional schools approved and accredited as reputable by the American Osteopathic Association, and all of whom, except the public member, shall be duly licensed and registered as physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the United States and must have been a resident of this state for a period of at least one year next preceding his or her appointment and shall have been actively engaged in the lawful and ethical practice of the profession of physician and surgeon for at least five years next preceding his or her appointment. Not more than four members shall be affiliated with the same political party. All members shall be appointed for a term of four years. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his or her official duties. The president of the Missouri State Medical Association, for all medical physician appointments, or the president of the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments, in office at the time shall, at least ninety days prior to the expiration of the term of the respective board member,

other than the public member, or as soon as feasible after the appropriate vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri State Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

2. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter 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 this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The duties of the public member 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.”; and

Further amend said bill, page 70, section 376.811, line 5 of said page, by inserting immediately after said line the following:

“383.010. 1. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, RSMo, any three or more persons, residents of this state, being licensed under the provisions of chapter 330, 331, 332, 334, 335, 336, 338 or 339, RSMo, or under rule 8 of the supreme court of Missouri, **or professional midwives licensed under sections 324.1230 to 324.1245, RSMo**, or architects licensed pursuant to chapter 327, RSMo, may, as provided in sections 383.010 to 383.040, form a business entity for the purpose of providing malpractice insurance or indemnification for such persons upon the assessment plan, and upon compliance with section 379.260, RSMo, liability and automobile insurance as defined in subdivisions (1) and (3) of section 379.230, RSMo, may be provided upon the assessment plan to those persons licensed pursuant to chapter 197, RSMo, and for whom medical malpractice insurance is provided under this section, except that automobile insurance shall be provided only for ambulances as defined in section 190.100, RSMo. Any entity licensed under chapter 197, RSMo, professional corporations, and limited liability companies, corporations, limited liability partnerships, partnerships, and other similar entities formed for the practice of law or medicine may also become members of any such entity. The term “persons” as used in sections 383.010 to 383.040 includes such hospitals, professional corporations and real estate business entities.

2. Anything in this section to the contrary notwithstanding, any persons duly licensed under the provisions of the laws of any other state who, if licensed under any similar provisions of the laws of this state, would be eligible to become members and insureds of an entity created under the authority of this section may become members and insureds of such an entity, irrespective of whether such persons are residents of this state; provided, however, that any such persons must be employed by, or be a partner, shareholder or member of, a professional corporation, corporation, copartnership or association insured by or to be insured by such an entity.

3. Notwithstanding any provision of law which might be construed to the contrary, sections 379.882

and 379.888, RSMo, defining commercial casualty insurance, shall not include professional malpractice insurance policies issued by any insurer in this state.”; and

Further amend said bill, page 71, section 194.233, line 8, by inserting immediately after said line the following:

“[334.260. On August 29, 1959, all persons licensed under the provisions of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives under this chapter and subject to all the provisions of this chapter.]

[376.1753. Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).]

Section B. Because of the need to provide clarity on the issue of the practice of midwifery, the enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and enactment of sections 324.1230, 324.1231, 324.1233, 324.1235, 324.1237, 324.1239, 324.1240, 324.1241, 324.1242, 324.1243, 324.1244, and 324. 1245, and the repeal and reenactment of sections 334.010, 334.120, 334.260, and 376.1753 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan moved that **SS** for **SCS** for **HB 2081**, as amended, be adopted, which motion prevailed.

Senator Callahan moved that **SS** for **SCS** for **HB 2081**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 2081**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Mayer moved that **SCS** for **SBs 1034** and **802**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 1034** and **802**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1034 and 802

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions and an emergency clause.

Was taken up.

Senator Mayer moved that **HCS** for **SCS** for **SBs 1034** and **802** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **HCS** for **SCS** for **SBs 1034** and **802**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Coleman moved that the Senate conferees be allowed to exceed the differences on **HCS** for **SCS** for **SB 720**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1832, with **SCS**, introduced by Representative Cooper (120) et al, entitled:

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

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

SCS for **HB 1832**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1832

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 1832** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HB 1832**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1832

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof sixteen new sections relating to a county's governing authority over areas within its territorial boundaries, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SCS** for **HB 1832** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Pages 1-2, Section 64.1000, by striking said section from the bill; and

Further amend said bill, Pages 2 and 3, Section 64.1003, by striking said section from the bill; and

Further amend said bill, Pages 3 to 5, Section 64.1006, by striking said section from the bill; and

Further amend said bill, Pages 5 to 12, Section 64.1009, by striking said section from the bill; and

Further amend said bill, Pages 12 to 14, Section 64.1012, by striking said section from the bill; and

Further amend said bill, Pages 14 to 16, Section 64.1015, by striking said section from the bill; and

Further amend said bill, Pages 16 and 17, Section 64.1018, by striking said section from the bill; and

Further amend said bill, Page 17, Section 64.1021, by striking said section from the bill; and

Further amend said bill, Pages 17 to 21, Section 64.1024, by striking said section from the bill; and

Further amend said bill, Pages 21 to 24, Section 64.1027, by striking said section from the bill; and

Further amend said bill, Pages 24 to 27, Section 64.1030, by striking said section from the bill; and

Further amend said bill, Pages 27 to 29, Section 64.1033, by striking said section from the bill; and

Further amend said bill, Page 29, Section 64.1036, by striking said section from the bill; and

Further amend said bill, Pages 29 to 30, Section 64.1039, by striking said section from the bill; and

Further amend said bill, Page 30, Section 64.1042, by striking said section from the bill; and inserting in lieu thereof the following:

“64.008. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on County Planning and Zoning” to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives or three members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a comprehensive study and analysis of the impact of county planning and zoning regulations;

(2) Determine from its study and analysis the need for changes in statutory law;

(3) Make any other recommendations to the general assembly relating to its findings.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives.

4. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than December 31, 2008, and shall include any recommendations which the committee may have for legislative action.

8. The provisions of this section shall expire on December 31, 2008.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted.

Senator Ridgeway offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Bill

No. 1832, Page 3, Section 64.008, Line 9, by striking the word “may” and inserting in lieu thereof the following: “**shall**”; and

further amend said page, line 10, by inserting after the word “city” the following: “**and may meet in Jefferson City**”.

Senator Ridgeway moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Griesheimer, Koster and Loudon.

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

YEAS—Senators

Callahan	Coleman	Crowell	Days	Kennedy	Koster	McKenna	Ridgeway
Shoemyer	Smith—10						

NAYS—Senators

Barnitz	Bartle	Bray	Champion	Clemens	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Justus	Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—23	

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

SA 1 was again taken up.

Senator Stouffer moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1**. He was joined in his request by Senators Days, Koster, Ridgeway and Smith.

SA 1 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Engler	Gibbons	Goodman
Graham	Koster	Lager	Loudon	Mayer	Purgason	Scott	Shields
Stouffer	Vogel—18						

NAYS—Senators

Bray	Callahan	Coleman	Days	Dempsey	Griesheimer	Justus	Kennedy
McKenna	Nodler	Ridgeway	Rupp	Shoemyer	Smith	Wilson—15	

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 1, Line 5 of said page, by inserting immediately after said line the following:

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

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 34, Section 72.080, Line 27, by inserting immediately after said line the following:

“182.820. Any county or municipal public library receiving state funds shall certify to the secretary of state that it is in compliance with, and eligible to receive funding under, the federal Children's Internet Protection Act, 17 U.S.C. Section 1701, et seq., as amended, prior to receiving such state funds.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Goodman raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

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

Senator Shoemyer offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 34, Section 72.080, Line 27, by inserting immediately after said line the following:

“Section 1. 1. In addition to other levies authorized by law, the county commission in counties not adopting an alternative form of government and the proper administrative body in counties adopting an alternative form of government, or the governing body of any city, town, or village, in their discretion may levy an additional tax, not to exceed one quarter of one cent on each one hundred dollars assessed valuation, on all taxable real property located within such city, town, village, or county, all of such tax to be collected and allocated to the city, town, village, or county treasury, where it shall be known and designated as “The Cemetery Maintenance Trust Fund” to be used for the upkeep and maintenance of cemeteries located within such city, town, village, or county.

2. To the extent necessary to comply with article X, section 22(a) of the Missouri Constitution,

for any city, town, village, or county with a tax levy at or above the limitations provided under article X, section 11(b), no ordinance adopted under this section shall become effective unless the county commission or proper administrative body of the county, or governing body of the city, town, or village submits to the voters of the city, town, village, or county at a state general, primary, or special election a proposal to authorize the imposition of a tax under this section. The tax authorized under this section shall be levied and collected in the same manner as other real property taxes are levied and collected within the city, town, village, or county. Such tax shall be in addition to all other taxes imposed on real property, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the county commission or proper administrative body of the county or governing body of the city, town, or village, by order or ordinance, submits to the voters of the county a proposal to authorize the city, town, village, or county to impose a tax under this section on any day available for such city, town, village, or county to hold elections or at a special election called for that purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

“Shall (insert the name of the city, town, village, or county) impose a tax on all real property situated in (name of the city, town, village, or county) at a rate of one quarter of one cent per one hundred dollars assessed valuation percent for the sole purpose of providing funds for the maintenance, upkeep, and preservation of city, town, village, or county cemeteries?”

YES

NO

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

4. The tax imposed under this section shall be known as the “Cemetery Maintenance Tax”. Each city, town, village, or county imposing a tax under this section shall establish separate trust funds to be known as the “Cemetery Maintenance Trust Fund”. The city, town, village, or county treasurer shall deposit the revenue derived from the tax imposed under this section for cemetery purposes in the city, town, village, or county cemetery maintenance trust fund. The proceeds of such tax shall be appropriated by the county commission or appropriate administrative body, or the governing body of the city, town, or village exclusively for the maintenance, upkeep, and preservation of cemeteries located within the county.

5. All applicable provisions in this chapter relating to property tax shall apply to the collection of any tax imposed under this section.”; and

Further amend the title and enacting clause accordingly.

Senator Shoemyer moved that the above amendment be adopted.

Senator Engler raised the point of order that SA 4 is out of order as it goes beyond the title and subject matter of the bill.

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

Senator Lager offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1832, Page 30, Section 64.1042, Line 13 of said page, by inserting immediately after said line the following:

“67.3000. It shall be lawful for any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants to enter into a contract with any private corporation or corporations, or with any corporation now or hereafter engaged in pumping and delivering water at wholesale for domestic consumption. It shall also be lawful for any such county to acquire, own, and hold, with any private corporation in this state, water mains or interests in water mains through which to procure an adequate supply of water for its inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Lager moved that the above amendment be adopted.

Senator Griesheimer 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 Griesheimer moved that **SS** for **SCS** for **HB 1832**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HB 1832**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Callahan Koster—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Callahan Koster Ridgeway—3

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

HB 1716, introduced by Representative Guest, et al, entitled:

An Act to repeal section 302.171, RSMo, and to enact in lieu thereof two new sections relating to noncompliance with the federal REAL ID Act of 2005.

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

At the request of Senator Purgason, **HB 1716** 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 **HCS** for **SB 723**, entitled:

An Act to repeal sections 43.060, 43.500, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to educational requirements for certain law enforcement personnel.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 733**, entitled:

An Act to repeal section 650.100, RSMo, and to enact in lieu thereof two new sections relating to crime laboratories.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 797**, entitled:

An Act to repeal sections 115.087, 115.315, and 115.327, RSMo, and to enact in lieu thereof three new sections relating to elections.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 797, Section 115.087, Page 1, Line 4 by deleting from said line the word “**commission**” and inserting in lieu thereof the word “**committee**”; and Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 801**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 896**.

Bill ordered enrolled.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 936**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 820**, entitled:

An Act to repeal section 48.030, RSMo, and to enact in lieu thereof one new section relating to counties changing classification.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 943**, entitled:

An Act to repeal sections 89.080, 89.090, and 305.410, RSMo, and to enact in lieu thereof three new sections relating to airport zoning.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 956**.

Bill ordered enrolled.

Also,

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

taken up and passed **HCS** for **SB 978**, entitled:

An Act to repeal sections 321.015 and 321.200, RSMo, and to enact in lieu thereof three new sections relating to boards overseeing emergency services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 979**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 980**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 856**, entitled:

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof two new sections relating to license plates.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Roy Meadows, his daughter, Carmen May and her son, Ryan, Sparta; and Ryan was made an honorary page.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Thursday, May 15, 2008.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 15, 2008

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SB 1099-Graham
SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

HCS for HJR 48 (Scott)	HB 1320-Brown (50) (Dempsey)
HCS for HB 2321, with SCS (Crowell)	HCS for HB 1332, with SCS (Goodman)
HCS for HJR 41, with SCS (Rupp)	

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 997-Crowell
SB 713-Gibbons, with SCS	SB 1000-Justus
SB 716-Loudon, et al	SB 1007-Loudon, with SA 2 (pending)
SB 717-Kennedy and Shields	SB 1035-Scott, with SCS
SB 729-Griesheimer, with SCS	SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)
SB 749-Ridgeway, with SCS	SB 1052-Rupp
SB 756-Engler and Rupp, with SCS (pending)	SB 1054-Dempsey, with SCS
SB 776-Justus and Koster, with SCS	SB 1057-Scott, with SCS
SB 809-Stouffer, with SCS, SS for SCS & SA 1 (pending)	SB 1058-Mayer
SB 811-Stouffer, with SCS, SA 1 & point of order (pending)	SB 1067-Ridgeway, et al
SB 815-Goodman	SB 1077-Goodman, with SS (pending)
SB 821-Shoemyer, with SCS (pending)	SB 1093-Loudon, et al
SBs 840 & 857-Engler, with SCS & SS for SCS (pending)	SB 1094-Loudon, with SCS
SB 861-Shoemyer, with SCS	SB 1101-Bray, et al
SB 874-Graham, with SCS	SB 1103-Gibbons
SB 877-Mayer	SB 1138-McKenna, with SCS
SB 881-Green	SB 1158-Mayer, with SCS
SB 904-Griesheimer, with SCS	SB 1164-Loudon
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1180-Crowell
SB 915-Ridgeway	SB 1183-Bray, with SCS
SB 917-Goodman, et al	SB 1194-Goodman
SB 929-Green and Callahan, with SCS	SB 1197-Crowell
SB 957-Goodman	SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
SBs 982, 834 & 819-Purgason, with SCS	SB 1240-Dempsey
SB 990-Champion	SB 1244-Barnitz and Purgason
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 & SSA 1 for SA 4 (pending)	SB 1275-Vogel
SB 996-Crowell, with SCS	SB 1278-Shields
	SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1314, with SCS (Callahan)	HCS for HB 1763, with SS, SA 5 & SA 2 to SA 5 (pending) (Engler)
HCS for HBs 1321 & 1695, with SCS (Gibbons)	HCS for HBs 1788 & 1882 (Crowell)
HB 1358-Flook, et al (Mayer)	HB 1805-Schaaf, et al (Purgason)
HCS for HB 1393 (Ridgeway)	HCS for HBs 1831 & 1472 (Mayer)
HCS#2 for HB 1423, with SCS (Goodman)	HCS for HBs 1876 & 1877, with SCS (Mayer)
HCS#2 for HB 1463, with SCS	HCS for HB 1904, with SCS (Goodman)
HCS for HB 1474, with SCS (Scott)	HB 1923-Jones (117) and Pratt (Barnitz)
HCS for HB 1516, with SCS (Goodman)	HB 1937-Pearce, et al, with SCS (Scott)
HB 1532-Davis, with SCS (Rupp)	HB 1973-Franz, with SCS (Engler)
HCS for HB 1546 (Purgason)	HB 1983-Pratt, with SCS (Goodman)
SS for HCS for HBs 1549, 1771, 1395 & 2366 (Rupp) (In Fiscal Oversight)	HB 1995-Schieffer, et al (Rupp)
HCS for HBs 1595 & 1668 (Mayer)	HCS for HB 2041, with SCS (Scott)
HB 1617-Cunningham (86), et al (Dempsey)	HCS for HBs 2062 & 1518, with SCS (Stouffer)
HCS for HB 1626 (Ridgeway)	HCS for HB 2068 (Scott)
HB 1656-Nance and Cooper (155), with SCS (Stouffer)	SS for SCS for HB 2081-Dougherty (Callahan) (In Fiscal Oversight)
HB 1661-LeVota, et al (Ridgeway)	HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS (Crowell)
HCS for HB 1700, with SCS (Scott)	HB 2226-Muschany (Rupp)
HB 1711-Weter, et al, with SCS, SS#2 for SCS & SA 10 (pending) (Clemens)	HCS for HJR 43, with SCS (Gibbons)
HB 1716-Guest, et al (Purgason)	HCS for HJR 55 (Crowell)
HCS for HB 1722, with SCS (Mayer)	

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 2213-Kraus, et al (Shields)
HB 1670-Cooper (120) (Dempsey)	HB 1354-Wilson (119), et al (Scott)
HB 1828-Sutherland (Vogel)	HCS for HB 1575 (Vogel)
HB 1410-Flook, et al (Ridgeway)	HB 1952-Loehner, et al (Barnitz)
HCS for HB 1888 (Clemens)	HB 1887-Parson (Scott)
HB 1368-Thomson (Lager)	HCS for HB 2360 (Lager)
HB 1869-Wilson (130), et al (Goodman)	HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2233-Page, et al (Shields)	HB 1791-Cooper (155), et al (Barnitz)

Reported 4/15

HCS for HB 1380 (Goodman)
 HCS for HB 2036 (Stouffer)
 HB 1849-Pratt and Curls (Justus)
 HB 1469-Pratt (Goodman)
 HB 1710-Flook (Ridgeway)

HCS for HB 1783 (Engler)
 HB 1784-Meadows, et al (McKenna)
 HB 1313-Wright, et al (Mayer)
 HCS for HB 1893 (Dempsey)
 HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 723-Scott, with HCS
 SB 733-Champion and Gibbons, with HCS
 SCS for SBs 753, 728, 906 & 1026-Mayer,
 with HCS
 SB 797-Bray, with HCS, as amended
 SB 820-Rupp, with HCS

SB 856-Engler, with HCS
 SB 932-Loudon, with HCS, as amended
 SB 943-Clemens, with HCS
 SB 978-Griesheimer, with HCS
 SCS for SB 1039-Clemens, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 711-Gibbons, et al,
 with HCS, as amended
 (Senate adopted CCR and passed CCS)
 SCS for SB 720-Coleman, with HCS, as
 amended
 SB 841-Stouffer, with HCS, as amended
 SCS for SBs 930 & 947-Stouffer, with
 HCS, as amended
 SS for SCS for SB 931-Purgason, with
 HCS, as amended
 (Senate adopted CCR and passed CCS)

SB 1068-Mayer, with HA 1 & HA 3
 SB 1074-Dempsey, with HCS, as amended
 SB 1288-Shields, with HCS, as amended
 HB 2224-Jones (117), with SS for SCS
 (Griesheimer)
 HCS for HB 2279, with SCS, as amended
 (Engler)

Requests to Recede or Grant Conference

SCS for SB 901-Loudon, et al, with
 HSA 1 for HA 1
 (Senate requests House recede and pass bill)

RESOLUTIONS

Reported from Committee

SCR 27-Champion

SCR 32-Purgason

SCR 33-Bray

HCR 7-Pearce, et al (Rupp)

HCR 23-Dixon, et al, with SCA 1 (Loudon)

HCR 4-Wright, et al (Mayer)

HCR 5-Smith, et al

HCR 16-Bivins, et al

HCR 18-Fisher, et al (Scott)

HCR 19-Sander, et al (Rupp)

HCS for HCR 21 (Rupp)

HCR 25-Pratt, et al (Ridgeway)

HCR 26-Dixon, et al (Clemens)

HCR 34-Sutherland

HCR 35-Sutherland

HCS for HCRs 43 & 46 (Rupp)

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