

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-SECOND DAY—WEDNESDAY, MARCH 4, 2009**

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The Senate met pursuant to adjournment.

Senator Lager in the Chair.

Reverend Carl Gauck offered the following prayer:

“But the wisdom from above is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, without uncertainty or insincerity.” (James 3:17)

Almighty God, as we discern this day's business let us do so with a gentle, peaceable nature so that our efforts produce the good fruits that were first inspired from You. Let our arguments be filled with sincerity and reasonableness so that they are persuasive and produce the needed results we seek. 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.

Senator Engler announced that photographers from MUTigers.com were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

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

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

### RESOLUTIONS

Senators Bray, Days, Smith and Wright-Jones offered Senate Resolution No. 455, regarding Betty Marver, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 456, regarding Jerry Hall, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Schaefer introduced to the Senate, coaches and players of the 2008 University of Missouri Football team. Coach Gary Pinkel assumed the dais and addressed the members of the Senate.

Senator Lager assumed the Chair.

### SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 176**, with **SCS**, was placed on the Informal Calendar.

Senator Lembke moved that **SB 237** and **SB 137**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 237** and **137**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 237 and 137

An Act to amend chapter 335, RSMo, by adding thereto twelve new sections relating to the nurse licensure compact.

Was taken up.

Senator Lembke moved that **SCS** for **SBs 237** and **137** be adopted.

Senator Bray offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 237 and 137, Page 1, In the Title, Lines 2-3, by striking the words “the nurse licensure compact” and inserting in lieu thereof the following:

“nurses”; and

Further amend said bill, page 1, section A, line 4, by inserting after said line the following:

**“197.296. 1. Beginning January 1, 2010, every hospital licensed under this chapter shall compile and post daily in the patient care area of each unit of the hospital, and provide upon request to a member of the public, information detailing for each unit and for the end of the prevailing shift, as appropriate:**

**(1) The number of registered professional nurses providing direct patient care and the ratio of registered professional nurses to patients;**

**(2) The number of licensed practical nurses providing direct patient care and the ratio of licensed practical nurses to patients;**

(3) The number of certified nurse aides providing direct patient care and the ratio of certified nurse aides to patients;

(4) The methods used by the hospital for determining and adjusting direct patient care staffing levels.

2. The information posted under this section shall be displayed in a manner that is visible and accessible to all patients, their families, and caregivers in the hospital, as determined by rule of the department of health and senior services and subject to the applicable requirements of federal law.

3. A hospital shall report the information compiled under this section to the department of health and senior services on a monthly basis, on a form and in a manner prescribed by the department. The department shall make such information available to the public on a quarterly basis, accompanied by a written explanation, which the department shall prepare, to assist members of the public in interpreting the information reported under this section.

4. Any hospital that fails to comply with the provisions of this section, or any rules promulgated thereto, shall be subject to licensure sanction.

5. The department of health and senior services shall promulgate rules 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, 2009, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Cunningham raised the point of order that SA 1 is out of order as it goes beyond the title and scope of the underlying legislation.

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

Senator Dempsey assumed the Chair.

Senator Lembke moved that SCS for SBs 237 and 137 be adopted, which motion prevailed.

On motion of Senator Lembke, SCS for SBs 237 and 137 was declared perfected and ordered printed.

Senator Champion moved that SB 8, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 8, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 8

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

Was taken up.

Senator Champion moved that **SCS** for **SB 8** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 8, Page 2, Section 650.059, Lines 44-45, by striking all of said lines and inserting in lieu thereof the following: “**Missouri**”; and

Further amend said bill and section, page 3, lines 67-68, by striking the words “crime laboratory system in this state”; and inserting in lieu thereof the following: “**quality management systems within the crime laboratories in the state, but shall not make recommendations related to relocation or consolidation of these crime laboratories**”.

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

Senator Champion moved that **SCS** for **SB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 8**, as amended, was declared perfected and ordered printed.

Senator Mayer moved that **SB 265**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 265

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to statewide court automation, with penalty provisions and an expiration date.

Was taken up.

Senator Mayer moved that **SCS** for **SB 265** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 265** was declared perfected and ordered printed.

Senator Green moved that **SB 93**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 93**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 93

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Was taken up.

Senator Green moved that **SCS** for **SB 93** be adopted, which motion prevailed.

On motion of Senator Green, **SCS** for **SB 93** was declared perfected and ordered printed.

**THIRD READING OF SENATE BILLS**

**SB 165** and **SB 164**, introduced by Senator Justus, **SB 248**, introduced by Senator Schaefer and **SB 168**, introduced by Senator Shoemyer, with **SCS**, entitled respectively:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to the imposition of a transient guest tax by certain cities.

An Act to repeal section 94.902, RSMo, and to enact in lieu thereof one new section relating to a sales tax to fund public safety improvements.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to the imposition of a transient guest tax by certain municipalities.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a property tax for cemetery maintenance.

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

**SCS** for **SBs 165, 164, 248** and **168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 165, 164, 248 and 168

An Act to repeal sections 67.1360 and 94.902, RSMo, and to enact in lieu thereof four new sections relating to certain taxes imposed by local governments.

Was taken up.

Senator Justus moved that **SCS** for **SBs 165, 164, 248** and **168** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SBs 165, 164, 248** and **168** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Rupp	Schaefer	Schmitt	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators

Purgason      Ridgeway—2

Absent—Senator Champion—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 242**, with **SCS**, introduced by Senator Pearce, entitled:

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer

subdistricts.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 242**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 242

An Act to repeal section 204.569, RSMo, and to enact in lieu thereof one new section relating to sewer subdistricts, with an emergency clause.

Was taken up.

Senator Pearce moved that **SCS** for **SB 242** be adopted, which motion prevailed.

On motion of Senator Pearce, **SCS** for **SB 242** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion Mayer—2

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

NAYS—Senators—None

Absent—Senators

Champion Smith—2

Absent with leave—Senators—None

Vacancies—None

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

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

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

**SB 96**, with **SCS**, introduced by Senator Justus, et al, entitled:

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 96**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 96

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

Was taken up.

Senator Justus moved that **SCS** for **SB 96** be adopted, which motion prevailed.

On motion of Senator Justus, **SCS** for **SB 96** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 293**, with **SCS**, introduced by Senator Barnitz, et al, entitled:

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades.

Was called from the Consent Calendar and taken up.

**SCS for SB 293**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 293**

An Act to repeal sections 304.170 and 304.260, RSMo, and to enact in lieu thereof two new sections relating to tractor parades, with an emergency clause.

Was taken up.

Senator Barnitz moved that **SCS for SB 293** be adopted, which motion prevailed.

On motion of Senator Barnitz, **SCS for SB 293** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

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	Clemens	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer
McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer	Schmitt
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson	Wright-Jones—31	

NAYS—Senators—None

Absent—Senators

Champion      Lembke      Scott—3

Absent with leave—Senators—None

Vacancies—None

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

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

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

**SB 153**, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 153**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 153

An Act to repeal section 416.440, RSMo, and to enact in lieu thereof one new section relating to the sale of milk.

Was taken up.

Senator Clemens moved that **SCS** for **SB 153** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 153** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS** for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 37

An Act to repeal sections 600.011, 600.015, 600.017, 600.019, 600.021, 600.040, 600.042, 600.048, 600.086, 600.089, 600.090, and 600.096, RSMo, and to enact in lieu thereof thirteen new sections relating to the public defender system, with penalty provisions.

Was taken up by Senator Goodman.

Senator Clemens assumed the Chair.

Senator Dempsey assumed the Chair.

On motion of Senator Goodman, **SCS for SB 37** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 84**, introduced by Senator Purgason, entitled:

An Act to amend chapter 227, RSMo, by adding thereto three new sections relating to designation of state highways and bridges.

Was taken up.

On motion of Senator Purgason, **SB 84** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Champion      Scott—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Jobs, Economic Development and Local Government, submitted the following reports:

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 294**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Callahan, Chairman of the Committee on Progress and Development, submitted the following

report:

Mr. President: Your Committee on Progress and Development, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 134**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Goodman, Chairman of the Committee on General Laws, submitted the following reports:

Mr. President: Your Committee on General Laws, to which was referred **SB 349**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on General Laws, to which was referred **SB 127**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 38**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Purgason, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 104**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dempsey assumed the Chair.

### **SECOND READING OF SENATE BILLS**

The following Bills were read the 2nd time and referred to the Committees indicated:

**SB 551**—Judiciary and Civil and Criminal Jurisprudence.

**SB 552**—Health, Mental Health, Seniors and Families.

**SB 553**—Health, Mental Health, Seniors and Families.

**SB 554**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 555**—Commerce, Consumer Protection, Energy and the Environment.

**SB 556**—Agriculture, Food Production and Outdoor Resources.

**SB 557**—Jobs, Economic Development and Local Government.

**SB 558**—Education.

**SB 559**—Appropriations.

**SB 560**—General Laws.

**SB 561**—Governmental Accountability and Fiscal Oversight.

**SB 562**—General Laws.

**SB 563**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 564**—Education.

**SB 565**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 566**—Jobs, Economic Development and Local Government.

**SB 567**—Jobs, Economic Development and Local Government.

**SB 568**—Governmental Accountability and Fiscal Oversight.

**SB 569**—Financial and Governmental Organizations and Elections.

**SB 570**—Health, Mental Health, Seniors and Families.

**SB 571**—Small Business, Insurance and Industry.

**SB 572**—Jobs, Economic Development and Local Government.

**SB 573**—Veterans' Affairs, Pensions and Urban Affairs.

**SB 574**—Jobs, Economic Development and Local Government.

**SB 575**—Ways and Means.

**SB 576**—Education.

### **REFERRALS**

President Pro Tem Shields referred **HCS** for **HCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### **RE-REFERRALS**

President Pro Tem Shields re-referred **SB 547** to the Committee on Health, Mental Health, Seniors and Families.

On motion of Senator Engler, the Senate recessed until 4:00 p.m.

### **RECESS**

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

### **RESOLUTIONS**

Senator Lembke offered Senate Resolution No. 457, regarding Bryan Mitchell, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 458, regarding Morris and Linda Thomas, Sunset Hills, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 459, regarding Steve Boggeman, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 460, regarding Truman Bank, Crestwood, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 461, regarding Michael Orlando, which was adopted.

Senators Lembke and Schmitt offered Senate Resolution No. 462, regarding Stella Gault, Sunset Hills, which was adopted.

Senator Barnitz offered Senate Resolution No. 463, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Anthony “Tony” Tedrick, Wellsville, which was adopted.

Senator Scott offered Senate Resolution No. 464, regarding Mary Ellen Weant, Cole Camp, which was adopted.

Senator Barnitz offered Senate Resolution No. 465, regarding the One Hundredth Birthday of Amanda Bohl Schriever, Hermann, which was adopted.

### SENATE BILLS FOR PERFECTION

Senator Pearce moved that **SB 255** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Dempsey assumed the Chair.

Senator Smith offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 255, Page 1, Section 172.030, Line 1, by inserting immediately after “172.030.” the following: “**1.**”; and further amend line 3 by striking the opening bracket “[” and further amend line 4 by striking the following: “] at least one but no more than two persons”; and further amend line 5 by striking all of said line and inserting in lieu thereof the following: “upon said board from the same congressional district, **except as provided in subsection 2 of this section**, and no person shall”; and further amend line 8 by inserting after all of said line the following:

**“2. In the event the state of Missouri loses a congressional district following redistricting based on the 2010 census, the ninth member of the board shall be a student curator who shall have the right to vote on any matter before the board, including the hiring or firing of the president of the University of Missouri system, the chancellors of each of the university campuses, the general counsel of the university, the secretary of the board of curators, and all other general officers of the university. The student shall be enrolled full time in a program of study leading to a post-baccalaureate degree. However, the student curator shall be excluded from all other decisions regarding hiring or firing of faculty or staff. The student curator may be from any congressional district, and his or her district may be the same as one member of the board. The first student curator shall be appointed in January 2011 and shall serve a two-year term provided the person maintains the status of a full-time student. The student curator appointed under this subsection shall replace the nonvoting student representative appointed under section 172.035; however, such student curator shall be appointed in the manner prescribed in section 172.035, and he or she shall meet all other requirements of section 172.035.**

**3. The student curator appointed under subsection 2 of this section shall in no manner modify the**

**composition of any other statutorily created board, notwithstanding any other provision of law to the contrary.**

172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, **unless the student representative position on the board is converted to a student curator position, as provided under section 172.030.**

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus. **If after August 28, 2009, the university adds another campus or campuses, then such campus or campuses shall be inserted into the aforementioned rotation following the St. Louis campus in the order in which such campus or campuses are admitted into the university.**

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.040. **Except as provided in subsection 2 of section 172.030 for student curators,** the term of service of the curators shall be six years, the terms of three expiring every two years; the first expiration occurring on the first day of January, 1911, and succeeding expirations of three members every two years thereafter. Said curators, while attending the meetings of the board, shall receive their actual expenses, which shall be paid out of the ordinary revenues of the university.

172.060. **Except as provided in subsection 2 of section 172.030 for student curators,** all appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term

of six years, and until the successors of such appointees shall be appointed and qualified.”; and

Further amend the title and enacting clause accordingly.

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

**SA 3** failed of adoption by the following vote:

YEAS—Senators

Barnitz	Callahan	Crowell	Days	Engler	Green	Justus	Shields
Smith—9							

NAYS—Senators

Bartle	Clemens	Cunningham	Dempsey	Goodman	Griesheimer	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schmitt
Scott	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—22		

Absent—Senators

Bray	Champion—2
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Absent with leave—Senator Schaefer—1

Vacancies—None

On motion of Senator Pearce, **SB 255** was declared perfected and ordered printed.

### REPORTS OF STANDING COMMITTEES

Senator Engler, 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 were referred **SCS** for **SBs 237** and **137**; **SCS** for **SB 8**; **SCS** for **SB 93**; and **SCS** for **SB 265**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### REFERRALS

President Pro Tem Shields referred **SCS** for **SB 265** to the Committee on Governmental Accountability and Fiscal Oversight.

### THIRD READING OF SENATE BILLS

**SCS** for **SB 104**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 104

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to immunizations against the human papillomavirus.

Was taken up by Senator Justus.

On motion of Senator Justus, **SCS for SB 104** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Days	Dempsey
Engler	Goodman	Green	Griesheimer	Justus	Lager	Mayer	McKenna
Nodler	Pearce	Rupp	Schmitt	Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson	Wright-Jones—28				

NAYS—Senators

Clemens	Cunningham	Lembke	Purgason	Ridgeway—5
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Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

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

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

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

**SCS for SB 88**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 88**

An Act to repeal section 304.155, RSMo, and to enact in lieu thereof one new section relating to state highway system incident management.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS for SB 88** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bray	Callahan	Champion	Crowell	Cunningham	Days	Dempsey	Engler
Goodman	Griesheimer	Justus	Lager	Pearce	Ridgeway	Rupp	Schmitt
Scott	Shields	Smith	Stouffer	Vogel	Wilson	Wright-Jones—23	

NAYS—Senators

Barnitz	Bartle	Clemens	Green	Lembke	Mayer	McKenna	Nodler
Purgason	Shoemyer—10						

Absent—Senators—None

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

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

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

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

**SB 126**, introduced by Senator Rupp, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prohibiting discrimination in life insurance based on lawful travel destinations, with penalty provisions.

Was taken up.

On motion of Senator Rupp, **SB 126** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Schaefer—1

Vacancies—None

The President declared the bill passed.

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

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

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

### SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 261**, **SB 159**, **SB 180**, and **SB 181**, with **SCS**, **SS** for **SCS**, **SA 3** and **SA 1** to **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Bartle, **SS** for **SCS** for **SBs 261**, **159**, **180** and **181**, was withdrawn, rendering the pending amendments moot.

Senator Bartle offered **SS No. 2** for **SCS** for **SBs 261**, **159**, **180** and **181**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 261, 159, 180 and 181

An Act to repeal sections 174.700, 195.214, 195.217, 195.218, 556.036, 566.147, 566.149, 566.226, 570.030, 570.040, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 577.029, 578.025, 578.030, and 578.255, RSMo, section 577.023 as enacted by senate committee

substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof thirty-five new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

Senator Bartle moved that **SS No. 2** for **SCS** for **SBs 261, 159, 180** and **181** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 11, Section 558.012, Line 20, by striking the word “eighty-five” and inserting in lieu thereof, the following: “one hundred”; and further amend said bill and section, page 12, line 3, by striking the word “eighty-five” and inserting in lieu thereof, the following “one hundred”.

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

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 2, Section A, Line 10, by inserting immediately after said line the following:

“84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.] No officer, agent, or employee of the police department of such cities shall permit **or perform** any [such] solicitation **of any assessment, contribution, or payment for any political purpose** in any building or room occupied for the discharge of the official duties of the said department. [No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2.] No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall [be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such] **hold a partisan political office. No** officer or employee **shall** solicit any person to vote for or against any candidate for public office, or “poll precincts” or be connected with other political work of similar character on behalf of any political organization, party, or candidate **while on duty, in uniform, or wearing any clothing or accessory with symbols, insignias, or words indicating his or her employment with the police department.** All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and

candidates.

[3.] **2.** No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

[4.] **3.** No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

[5.] **4.** No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

[6.] **5.** No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

[7.] **6.** No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

[8.] **7.** Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 12, Section 558.012, Line 7, by inserting immediately after all of said line the following:

“561.021. 1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of a crime shall, upon sentencing, forfeit such office if:

(1) He is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, or he pleads guilty or nolo contendere of such a crime; or

(2) He is convicted of or pleads guilty or nolo contendere to a crime involving misconduct in office, or dishonesty; or

(3) The constitution or a statute other than the code so provides.

2. [Except as provided in subsection 3 of this section,] A person who pleads guilty or nolo contendere or is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, shall be ineligible to **qualify as a candidate for or hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof**[, until the completion of his sentence or period of probation].

[3. A person who pleads guilty or nolo contendere or is convicted under the laws of this state or under the laws of another jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever disqualified from holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof.]; and

Further amend said bill, page 45, section 590.701, line 14 by inserting after all of said line the following:

“[115.350. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or found guilty of or pled guilty to a felony under the laws of this state.]; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Pages 11-12, Section 558.012, by striking said section in its entirety; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 45, Section 590.701, Line 14 of said page, by inserting after all of said line the following:

“595.010. 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) “Child”, a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) “Claimant”, a victim or a dependent, relative, survivor, or member of the family, of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

(3) “Conservator”, a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) “Counseling”, problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) “Crime”, an act committed in this state which, if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been committed outside of the United States against a resident of Missouri;

(6) “Crisis intervention counseling”, helping to reduce psychological trauma where victimization occurs;

(7) “Department”, the department of public safety;

(8) “Dependent”, mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to [595.070] **595.075**;

(9) “Direct service”, providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;

(10) “Director”, the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to [595.070] **595.075**;

(11) “Disabled person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;

(12) [“Division”, the division of workers' compensation of the state of Missouri;

(13) “Emergency service”, those services provided within thirty days to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;

[(14)] (13) “Earnings”, net income or net wages;

[(15)] (14) “Family”, the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

[(16)] (15) “Funeral expenses”, the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;

[(17)] **(16)** “Gainful employment”, engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;

[(18)] **(17)** “Guardian”, one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;

[(19)] **(18)** “Hit and run”, the crime of leaving the scene of a motor vehicle accident as defined in section 577.060, RSMo;

[(20)] **(19)** “Incapacitated person”, one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;

[(21)] **(20)** “Injured victim”, a person:

(a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;

(b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

[(22)] **(21)** “Law enforcement official”, a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

[(23)] **(22)** “Offender”, a person who commits a crime;

[(24)] **(23)** “Personal physical injury”, actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock resulting from the specific incident upon which the claim is based;

[(25)] **(24)** “Private agency”, a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;

[(26)] **(25)** “Public agency”, a part of any local or state government organization which provides services to victims of crime;

[(27)] **(26)** “Relative”, the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;

[(28)] **(27)** “Survivor”, the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim of the victim's household at the time of the crime;

[(29)] **(28)** “Victim”, a person who suffers personal physical injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection;

[(30)] **(29)** “Victim advocacy”, assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010 to 595.075, the term

“alcohol-related traffic offense” means those offenses defined by sections 577.001, 577.010, and 577.012, RSMo, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

595.015. 1. The [division of workers' compensation] **department of public safety** shall, pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of, victims of crimes. **In making such determinations and awards, the department shall ensure the compensation sought is reasonable and consistent with the limitations described in sections 595.010 to 95.075. Additionally, if compensation being sought includes medical expenses, the department shall further ensure that such expenses are medically necessary.** The [division of workers' compensation] **department of public safety** may pay directly to the provider of the services compensation for medical or funeral expenses, or expenses for other services as described in section 595.030, incurred by the claimant. The [division] **department** is not required to provide compensation in any case, nor is it required to award the full amount claimed. The [division] **department** shall make its award of compensation based upon independent verification obtained during its investigation.

2. Such claims shall be made by filing an application for compensation with the [division of workers' compensation] **department of public safety**. The application form shall be furnished by the [division] **department** and the signature shall be notarized. The application shall include:

- (1) The name and address of the victim;
- (2) If the claimant is not the victim, the name and address of the claimant and relationship to the victim, the names and addresses of the victim's dependents, if any, and the extent to which each is so dependent;
- (3) The date and nature of the crime or attempted crime on which the application for compensation is based;
- (4) The date and place where, and the law enforcement officials to whom, notification of the crime was given;
- (5) The nature and extent of the injuries sustained by the victim, the names and addresses of those giving medical and hospital treatment to the victim and whether death resulted;
- (6) The loss to the claimant or a dependent resulting from the injury or death;
- (7) The amount of benefits, payments or awards, if any, payable from any source which the claimant or dependent has received or for which the claimant or dependent is eligible as a result of the injury or death;
- (8) Releases authorizing the surrender to the [division] **department** of reports, documents and other information relating to the matters specified under this section; and
- (9) Such other information as the [division] **department** determines is necessary.

3. In addition to the application, the [division] **department** may require that the claimant submit materials substantiating the facts stated in the application.

4. If the [division] **department** finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the [division] **department**. Unless a claimant requests and is granted an extension of time by the [division] **department**, the [division] **department** shall reject with

prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.

5. The claimant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the [division] **department** has completed its consideration of the original application.

6. The claimant, victim or dependent shall cooperate with law enforcement officials in the apprehension and prosecution of the offender in order to be eligible, or the [division] **department** has found that the failure to cooperate was for good cause.

7. Any state or local agency, including a prosecuting attorney or law enforcement agency, shall make available without cost to the fund, all reports, files and other appropriate information which the [division] **department** requests in order to make a determination that a claimant is eligible for an award pursuant to sections 595.010 to 595.075.

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

(1) A victim of a crime;

(2) In the case of a sexual assault victim:

(a) A relative of the victim requiring counseling in order to better assist the victim in his recovery; and

(3) In the case of the death of the victim as a direct result of the crime:

(a) A dependent of the victim;

(b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and

(c) A survivor of the victim requiring counseling as a direct result of the death of the victim.

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the [division] **department** may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the [division] **department** can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest **or electronic monitoring**.

4. No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The [division] **department** may waive this restriction if it determines that the interest of justice would be served otherwise.

5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of this section, who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

(1) The [division] **department** shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

(2) The [division] **department** shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

(3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7. A Missouri resident who suffers personal physical injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

(1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;

(2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri.

595.025. 1. A claim for compensation may be filed by a person eligible for compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's spouse, parent, conservator, or guardian.

2. A claim shall be filed not later than two years after the occurrence of the crime or the discovery of the crime upon which it is based.

3. Each claim shall be filed in person or by mail. The [division of workers' compensation] **department of public safety** shall investigate such claim, prior to the opening of formal proceedings. The claimant shall be notified of the date and time of any hearing on such claim. In determining the amount of compensation for which a claimant is eligible, the [division] **department** shall consider the facts stated on the application filed pursuant to section 595.015, and:

(1) Need not consider whether or not the alleged assailant has been apprehended or brought to trial or the result of any criminal proceedings against that person; however, if any person is convicted of the crime which is the basis for an application for compensation, proof of the conviction shall be conclusive evidence that the crime was committed;

(2) Shall determine the amount of the loss to the claimant, or the victim's survivors or dependents;

(3) Shall determine the degree or extent to which the victim's acts or conduct provoked, incited, or contributed to the injuries or death of the victim.

4. The claimant may present evidence and testimony on his own behalf or may retain counsel. The [division of workers' compensation] **department of public safety** may, as part of any award entered under sections 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed fifteen

percent of the amount awarded as compensation under sections 595.010 to 595.075, which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney representing the claimant. No attorney for the claimant shall ask for, contract for or receive any larger sum than the amount so allowed.

5. The person filing a claim shall, prior to any hearing thereon, submit reports, if available, from all hospitals, physicians or surgeons who treated or examined the victim for the injury for which compensation is sought. If, in the opinion of the [division of workers' compensation] **department of public safety**, an examination of the injured victim and a report thereon, or a report on the cause of death of the victim, would be of material aid, the [division of workers' compensation] **department of public safety** may appoint a duly qualified, impartial physician to make such examination and report.

6. Each and every payment shall be exempt from attachment, garnishment or any other remedy available to creditors for the collection of a debt.

7. Payments of compensation shall not be made directly to any person legally incompetent to receive them but shall be made to the parent, guardian or conservator for the benefit of such minor, disabled or incapacitated person.

595.027. 1. Upon request by the [division] **department** for verification of injuries of victims, medical providers shall submit the information requested by the [division] **department** within twenty working days of the request at no cost to the fund.

2. For purposes of this section, “medical providers” means physicians, **pharmacists**, dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors, physical therapists, hospitals, **pharmacies**, ambulatory surgical centers, and nursing homes.

3. Failure to submit the information as required by this section shall be an infraction.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. “Out-of-pocket loss” shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; or

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.

2. No compensation shall be paid unless the [division of workers' compensation] **department of public safety** finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the [division of workers' compensation] **department of public safety** finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense

to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section [191.225, RSMo] **595.220**, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the [division of workers' compensation] **department of public safety** among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the [division] **department**.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the [division of workers' compensation] **department of public safety** shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the [division of workers' compensation] **department of public safety** on claims [heard] pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The [division of workers' compensation] **department of public safety** shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the [division] **department**.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, Medicare, Medicaid and other state or federal programs, but not including any life insurance proceeds; or

(3) From any other public or private funds, including an award payable pursuant to the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the [division of workers' compensation] **department of public safety** shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the [division of workers' compensation] **department of public safety** may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to [595.070] **595.075**, monthly Social Security disability or retirement benefits received by the victim shall not be considered by the [division] **department** as a factor for reduction of benefits.

5. The [division] **department** shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.

595.037. 1. All information submitted to the **department or division of workers' compensation** and any hearing of the division **of workers' compensation** on a claim filed pursuant to sections 595.010 to [595.070] **595.075** shall be open to the public except for the following claims which shall be deemed closed and confidential:

(1) A claim in which the alleged assailant has not been brought to trial and disclosure of the information or a public hearing would adversely affect either the apprehension, or the trial, of the alleged assailant;

(2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy or sexual abuse and it is determined by the **department or division of workers' compensation** to be in the best interest of the victim or of the victim's dependents that the information be kept confidential or that the public be excluded from the hearing;

(3) A claim in which the victim or alleged assailant is a minor; or

(4) A claim in which any record or report obtained by the **department or division of workers' compensation**, the confidentiality of which is protected by any other law, shall remain confidential subject to such law.

2. The **department and division of workers' compensation**, by separate order, may close any record, report or hearing if it determines that the interest of justice would be frustrated rather than furthered if such record or report was disclosed or if the hearing was open to the public.

595.040. 1. Acceptance of any compensation under sections 595.010 to 595.075 shall subrogate this state, to the extent of such compensation paid, to any right or right of action accruing to the claimant or to the victim to recover payments on account of losses resulting from the crime with respect to which the compensation has been paid. The attorney general may enforce the subrogation, and he shall bring suit to recover from any person to whom compensation is paid, to the extent of the compensation actually paid under sections 595.010 to 595.075, any amount received by the claimant from any source exceeding the actual loss to the victim.

2. The [division] **department** shall have a lien on any compensation received by the claimant, in addition to compensation received under provisions of sections 595.010 to 595.075, for injuries or death resulting from the incident upon which the claim is based. The claimant shall retain, as trustee for the [division] **department**, so much of the recovered funds as necessary to reimburse the Missouri crime victims' compensation fund to the extent that compensation was awarded to the claimant from that fund.

3. If a claimant initiates any legal proceeding to recover restitution or damages related to the crime upon which the claim is based, or if the claimant enters into negotiations to receive any proceeds in settlement of a claim for restitution or damages related to the crime, the claimant shall give the [division] **department** written notice within fifteen days of the filing of the action or entering into negotiations. The [division] **department** may intervene in the proceeding of a complainant to recover the compensation awarded. If a claimant fails to give such written notice to the [division] **department** within the stated time period, or prior to any attempt by claimant to reach a negotiated settlement of claims for recovery of damages related to the crime upon which the claim is based, the [division's] **department's** right of subrogation to receive or recover funds from claimant, to the extent that compensation was awarded by the [division] **department**, shall not be reduced in any amount or percentage by the costs incurred by claimant attributable to such legal proceedings or settlement, including, but not limited to, attorney's fees, investigative cost or cost of court. If such notice is given, attorney fees may be awarded in an amount not to exceed fifteen percent of the amount subrogated to the [division] **department**.

4. Whenever compensation is awarded to a claimant who is entitled to restitution from a criminal defendant, the [division] **department** may initiate restitution hearings in such criminal proceedings or intervene in the same. The [division] **department** shall be entitled to receive restitution in such proceedings to the extent compensation was awarded; provided, however, the [division] **department** shall be exempt from the payment of any fees or other charges for the recording of restitution orders in the offices of the judges of probate. The claimant shall notify this [division] **department** when restitution is ordered. Failure to notify the [division] **department** will result in possible forfeiture of any amount already received from the [division] **department**.

5. Whenever the [division] **department** shall deem it necessary to protect, maintain or enforce the [division's] **department's** right to subrogation or to exercise any of its powers or to carry out any of its duties or responsibilities, the attorney general may initiate legal proceedings or intervene in legal proceedings as the [division's] **department's** legal representative.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any

court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month, the director of revenue or the director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the [division of workers' compensation and the] department of public safety[, respectively].

6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on September 1, 2004, and on the first of each month the director of revenue or the

director's designee shall deposit fifty percent of the balance of funds available to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100.

7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo, relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

10. The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection 16 of this section and shall maintain separate records of collection for alcohol-related offenses.

11. The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award

shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

14. All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

15. Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

16. [Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines] **The department may receive gifts and contributions for the benefit of crime victims. Such gifts and contributions shall be credited to the crime victims' compensation fund as used solely for compensating victims under the provisions of sections 595.010 to 595.075.**

595.060. The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to [595.070] **595.220** as provided in this section and chapter 536, RSMo. In the performance of its functions under [sections 595.010 to 595.070] **section 595.036**, the division of **workers' compensation** is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to be followed in the [filing of applications and the] proceedings under [sections 595.010 to 595.070] **section 595.036**. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

**595.220. 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable and medically necessary charges of the forensic examination of persons who may be a victim of a sexual offense if:**

- (1) The victim or the victim's guardian consents in writing to the examination; and**
- (2) The report of the examination is made on a form approved by the attorney general with the**

advice of the department of public safety.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of public safety, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense, including those specific to victims who are minors.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim:

(1) The alleged sexual offense occurred in Missouri;

(2) Examination charges submitted shall be itemized and fall within the definition of "forensic examination" as defined in subdivision (3) of subsection 7 of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075.

7. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

**(3) “Forensic examination”, an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;**

**(4) “Medical treatment”, the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.**

**8. The department shall have authority to promulgate rules and regulations necessary 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, 2009, shall be invalid and void.**

[191.225. 1. The department of health and senior services shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination;

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of health and senior services; and

(3) The report of the examination is filed with the prosecuting attorney of the county in which the alleged incident occurred.

The appropriate medical provider shall file the report of the examination within three business days of completion of the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The attorney general, with the advice of the department of health and senior services, shall develop the forms and procedures for gathering evidence during the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist for appropriate medical providers to refer to while providing medical treatment to victims of a sexual offense.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of health and senior services. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075, RSMo.

6. For purposes of this section, the following terms mean:

(1) "Appropriate medical provider", any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants; provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;

(2) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;

(3) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit;

(4) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization.]; and

Further amend the title and enacting clause accordingly.

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

Senator Engler assumed the Chair.

Senator Crowell offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 3, Section 174.700, Line 21 of said page, by inserting after all of said line the following:

"195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

- (b) Acetylmethadol;
- (c) Allylprodine;
- (d) Alphacetylmethadol;
- (e) Alphameprodine;
- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxidine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;

- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;
- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Piritramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;

- (i) Drotebanol;
- (j) Etorphine (except hydrochloride salt);
- (k) Heroin;
- (l) Hydromorphenol;
- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myrophine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) 4-bromo-2, 5-dimethoxyamphetamine;
- (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- (c) 2,5-dimethoxyamphetamine;
- (d) 2,5-dimethoxy-4-ethylamphetamine;
- (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- (f) 4-methoxyamphetamine;
- (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- (h) 4-methyl-2, 5-dimethoxyamphetamine;
- (i) 3,4-methylenedioxyamphetamine;
- (j) 3,4-methylenedioxymethamphetamine;
- (k) 3,4-methylenedioxy-N-ethylamphetamine;
- (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- (m) 3,4,5-trimethoxyamphetamine;
- (n) Alpha-ethyltryptamine;

- (o) Alpha-methyltryptamine;
- (p) Bufotenine;
- (q) Diethyltryptamine;
- (r) Dimethyltryptamine;
- (s) 5-methoxy-N,N-diisopropyltryptamine;
- (t) Ibogaine;
- (u) Lysergic acid diethylamide;
- (v) Marijuana or marihuana;
- (w) Mescaline;
- (x) Parahexyl;

(y) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

- (z) N-ethyl-3-piperidyl benzilate;
- (aa) N-methyl-3-piperidyl benzilate;
- (bb) Psilocybin;
- (cc) Psilocyn;

(dd) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;
- (ee) Ethylamine analog of phencyclidine;
- (ff) Pyrrolidine analog of phencyclidine;
- (gg) Thiophene analog of phencyclidine;
- (hh) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- (ii) *Salvia divinorum*;
- (jj) Salvinorin A;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical

designation:

- (a) Gamma-hydroxybutyric acid;
- (b) Mecloqualone;
- (c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Aminorex;
- (b) N-benzylpiperazine;
- (c) Cathinone;
- (d) Fenethylamine;
- (e) Methcathinone;
- (f) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- (g) N-ethylamphetamine;
- (h) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

- a. Raw opium;
- b. Opium extracts;
- c. Opium fluid;
- d. Powdered opium;
- e. Granulated opium;
- f. Tincture of opium;
- g. Codeine;
- h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextropropoxyphene and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk dextropropoxyphene;

- (f) Carfentanil;
- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphaacetylmethadol;
- (m) Levomethorphan;
- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
- (t) Pethidine (meperidine);
- (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) Remifentanyl;
- (cc) Sufentanyl;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- (d) Phenmetrazine and its salts;
- (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts

of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;
- (5) Any material or compound which contains any quantity of nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- (b) Immediate precursors to phencyclidine (PCP):
  - a. 1-phenylcyclohexylamine;
  - b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;
- b. Secobarbital;
- c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

(g) Ketamine, its salts, isomers, and salts of isomers;

(h) Lysergic acid;

(i) Lysergic acid amide;

(j) Methyprylon;

(k) Sulfondiethylmethane;

(l) Sulfonethylmethane;

(m) Sulfonmethane;

(n) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic

ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

- (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
- (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- (c) 5 $\alpha$ -androstane-3,17-dione;
- (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- (i) 4-androstenedione (androst-4-en-3,17-dione);
- (j) 5-androstenedione (androst-5-en-3,17-dione);
- (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- (m) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (n) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (o) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);
- (p) ?1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (q) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- (r) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);
- (s) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- (t) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- (u) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);

- (v) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-fuzazan);
- (w) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;
- (x) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- (y) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- (z) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5-androstan-3-one);
- (aa) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- (bb) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- (cc) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- (dd) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (ee) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);
- (ff) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane);
- (gg) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene);
- (hh) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one);
- (ii) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- (jj) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);
- (kk) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (ll) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (mm) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (a.k.a. '17 $\alpha$ -methyl-1-testosterone');
- (nn) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);
- (oo) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);
- (pp) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);
- (qq) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);
- (rr) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);
- (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (uu) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);
- (vv) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);
- (ww) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (xx) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (yy) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);
- (zz) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);

(aaa) Oxymethalone (17a-methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5a]-androstan-3-one);

(bbb) Stanozolol (17a-methyl-17 $\beta$ -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);

(ccc) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5a]-androst-1-en-3-one);

(ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(eee) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);

(fff) Tetrahydrogestrinone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);

(ggg) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);

(hhh) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

**(8) Any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except any dietary supplements, herbs, or natural products, including concentrates or extracts, that are not otherwise prohibited by law and that contain naturally occurring ephedrine alkaloids in a matrix of organic material such that the substances do not exceed fifteen percent of the total weight of the dietary supplement, herb, or natural product;**

**(9) Upon written application of a manufacturer, the department of health and senior services may, exempt by rule, any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from the application of all or any part of the sections 195.010 to 195.320 because the product is formulated to effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors. Upon notification from the state highway patrol that the patrol has probable cause to believe that a product exempted under this subdivision does not effectively prevent conversion of the active ingredient into methamphetamine or its salts or precursors, the department may issue an emergency rule revoking the exemption for the product pending a full hearing;**

(10) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2- propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbital;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Dichloralphenazone;

- (p) Estazolam;
- (q) Ethchlorvynol;
- (r) Ethinamate;
- (s) Ethyl loflazepate;
- (t) Fludiazepam;
- (u) Flunitrazepam;
- (v) Flurazepam;
- (w) Halazepam;
- (x) Haloxazolam;
- (y) Ketazolam;
- (z) Loprazolam;
- (aa) Lorazepam;
- (bb) Lormetazepam;
- (cc) Mebutamate;
- (dd) Medazepam;
- (ee) Meprobamate;
- (ff) Methohexital;
- (gg) Methylphenobarbital (mephobarbital);
- (hh) Midazolam;
- (ii) Nimetazepam;
- (jj) Nitrazepam;
- (kk) Nordiazepam;
- (ll) Oxazepam;
- (mm) Oxazolam;
- (nn) Paraldehyde;
- (oo) Petrichloral;
- (pp) Phenobarbital;
- (qq) Pinazepam;
- (rr) Prazepam;
- (ss) Quazepam;
- (tt) Temazepam;
- (uu) Tetrazepam;

(vv) Triazolam;

(ww) Zaleplon;

(xx) Zolpidem;

(yy) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Modafinil;

(h) Pemoline, including organometallic complexes and chelates thereof;

(i) Phentermine;

(j) Pipradrol;

(k) Sibutramine;

(l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

(a) butorphanol;

(b) pentazocine;

(6) [Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7)] The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

- (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) [Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4)] Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

11. [If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with

respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14.] No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

[15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19.] **12.** The department of health and senior services shall revise and republish the schedules annually.

[20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.]

**13. Persons registered with the Drug Enforcement Administration of the United States**

**Department of Justice to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements established by the Drug Enforcement Administration regulations, such as using secured wire cage storage areas, for schedule III controlled substances containing pseudoephedrine.”; and**

Further amend said bill, Page 45, Section 590.701, Line 14, by inserting after all of said line the following:

“[195.417. 1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than nine grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any

ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

9. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.]”; and

Further amend the title and enacting clause accordingly.

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

Senator Goodman offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 261, 159, 180 and 181, Page 45, Section 590.701, Line 14 of said page, by inserting after all of said line the following:

**“Section 1. 1. Notwithstanding any provision of law to the contrary, upon request of a law enforcement officer to inspect any record open to inspection by the state veterinarian under section 277.120, RSMo, or any record open to inspection by the department of agriculture, of any livestock sales or market licensee to determine the origin and destination of any livestock handled by the licensee, the law enforcement officer shall be entitled to inspect such records of the licensee without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the licensee's business operation. When a law enforcement officer has probable cause to believe that livestock in the possession of a licensee is misappropriated, the officer may place a hold order on the livestock. The hold order shall contain the following:**

**(1) The name of the licensee;**

**(2) The name and mailing address of the licensee where the livestock is held;**

**(3) The name, title, and identification number of the law enforcement officer placing the hold order;**

**(4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the livestock;**

**(5) A description of the livestock; and**

**(6) The time of expiration of the holding period.**

The hold order shall be signed and dated by the issuing officer and signed and dated by the licensee or the licensee's designee as evidence of the hold order's issuance by the officer, receipt by the licensee and the beginning time of the holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the licensee for the licensee's record-keeping purposes at no cost to the licensee.

2. For the purposes of this section, the term "hold order" shall mean a written legal instrument issued to a licensee by a law enforcement officer ordering the licensee to retain physical possession of livestock in the possession of a licensee or livestock purchased by and in the possession of a licensee and not to return, sell or otherwise dispose of such livestock that is believed to be misappropriated for up to twenty-four hours.

3. Upon receiving the hold order, the licensee shall retain physical possession of the livestock subject to the order in a secured area.

4. A violation of, or noncompliance with, this section shall be a class A misdemeanor. Gross negligence or willful noncompliance with the provisions of this section by a licensee shall be cause for the licensing authority to suspend or revoke the licensee's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the licensee to the licensing authority or to a court of competent jurisdiction.

5. All records and information that relate to a licensee's purchases or transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer under this section are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes:

(1) The investigation of a crime specifically involving the livestock delivered to the licensee in a purchase or transaction; or

(2) The notification of property crime victims of where livestock that has been reported misappropriated can be located."; and

Further amend the title and enacting clause accordingly.

Senator Goodman moved that the above amendment be adopted.

At the request of Senator Bartle, **SB 261**, **SB 159**, **SB 180** and **SB 181**, with **SCS**, **SS No. 2** for **SCS** and **SA 7** (pending), were placed on the Informal Calendar.

President Pro Tem Shields assumed the Chair.

### **REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 255**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### **COMMUNICATIONS**

Senator Ridgeway submitted the following:

March 4, 2009

Secretary of Senate, Terry Spieler  
State Capitol Room 325  
Jefferson City MO 65101

Dear Mrs. Spieler,

Pursuant to Rule 45, I request that SB256 be removed from the consent calendar.

Sincerely,  
/s/ Luann Ridgeway  
Senator Luann Ridgeway

### **INTRODUCTIONS OF GUESTS**

Senator Dempsey introduced to the Senate, Jennifer and Ernesto Gutierrez and their son, Alex, St. Charles; and Alex was made an honorary page.

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

Senator Goodman introduced to the Senate, twenty eighth grade students from Branson Junior High School.

Senator Schaefer introduced to the Senate, Susan Bauer and gifted students from Oakland Junior High School and West Junior High School, Columbia.

Senator Smith introduced to the Senate, members of Leadership St. Louis.

Senator Cunningham introduced to the Senate, Teresa Lesicko and Don Rock, St. Louis.

Senator Shields introduced to the Senate, Sarah Harrison, Lindsey Buchheister, Lindsey Smith and fourth grade students from Hawthorne School, Park Hill.

Senator Shields introduced to the Senate, Jerry and Pat Musil, Kansas City.

Senator Smith introduced to the Senate, Chad Beffa, Merry Denny and students from Kennard Classical Junior Academy, St. Louis.

Senator Justus introduced to the Senate, Rosemary Brown, Alice Williams, Angela Watson, Janice O'Donell and Sandra Martinez, gifted students from Foreign Language Academy, Kansas City.

Senator Justus introduced to the Senate, Sheriff Mike Sharp, Jackson County.

Senator Griesheimer introduced to the Senate, twenty-seven gifted students from St. Clair R-13 School District.

Senator Dempsey introduced to the Senate, gifted students from Francis Howell School District, St. Charles.

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

## SENATE CALENDAR

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 THIRTY-THIRD DAY—THURSDAY, MARCH 5, 2009
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SJR 14-Wilson  
 SJR 15-Cunningham  
 SJR 16-Lager

SJR 17-Lembke  
 SJR 18-Cunningham

## HOUSE BILLS ON SECOND READING

HCS for HB 96  
 HB 744-Icet  
 HB 287-Day, et al

HB 86-Sutherland  
 HCS for HB 242  
 HB 65-Wilson (119), et al

## THIRD READING OF SENATE BILLS

SB 38-Rupp  
 SCS for SBs 237 & 137-Lembke  
 SCS for SB 8-Champion  
 SCS for SB 93-Green

SCS for SB 265-Mayer, et al  
 (In Fiscal Oversight)  
 SB 255-Pearce

## SENATE BILLS FOR PERFECTION

SB 57-Stouffer, with SCS  
 SB 231-Cunningham, with SCS

SB 202-Schaefer, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 191, with SCS  
 (Griesheimer) (In Fiscal Oversight)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 5-Griesheimer, with SCS, SS for SCS  
 & SA 2 (pending)  
 SB 7-Griesheimer, with SS (pending)

SB 18-Bray, et al, with SCS & SS for SCS  
 (pending)  
 SB 29-Stouffer

SB 44-Pearce, with SCS & SA 1 (pending)  
SBs 45, 212, 136, 278, 279, 285 &  
288-Pearce, with SCS (pending)  
SB 58-Stouffer  
SB 72-Stouffer, with SCS  
SB 89-Stouffer, with SCS, SA 1  
& SSA 1 for SA 1 (pending)

SB 174-Griesheimer and Goodman, with  
SCS, SS for SCS & SA 1 (pending)  
SB 176-Stouffer, with SCS  
SCS for SB 189-Shields  
SBs 223 & 226-Goodman, with SCS (pending)  
SBs 261, 159, 180 & 181-Bartle and Goodman,  
with SCS, SS#2 for SCS & SA 7 (pending)

### CONSENT CALENDAR

#### Senate Bills

#### Reported 2/25

SB 368-Stouffer  
SB 114-Crowell  
SB 263-Mayer

SB 280-Rupp and Cunningham  
SB 277-Cunningham

#### Reported 3/4

SB 66-Scott  
SB 196-Shoemyer  
SB 122-Griesheimer  
SB 294-Barnitz  
SB 262-Bartle

SB 224-Goodman  
SB 232-Cunningham  
SB 134-Dempsey, with SCS  
SB 349-Goodman and McKenna  
SB 127-Rupp, with SCS

### RESOLUTIONS

#### Reported from Committee

SR 141-Engler, with point of order  
(pending)  
SCR 5-Stouffer, with SCA 1  
SCR 7-Pearce  
SR 207-Lembke and Smith, with  
SCS & SS for SCS (pending)

SCR 11-Bartle, et al  
SCR 8-Shoemyer  
SCR 16-Pearce  
SCR 14-Schmitt  
SCR 21-Clemens  
SCR 2-Crowell

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