

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY—WEDNESDAY, MAY 4, 2011

The Senate met pursuant to adjournment.

Senator Pearce in the Chair.

Reverend Carl Gauck offered the following prayer:

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

Gracious God, it has already been an interesting week and yet there is much to be accomplished, while heat and frustrations grow, making things more difficult. Help us, O Lord, to obtain a spirit of cooperation and helpfulness in a calm and just atmosphere. Help us do what is right in Your eyes and benefit the most people we serve. 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 Dempsey announced that photographers from Missouri News Horizon, KOMU-TV and ABC-17 News were given permission to take pictures in the Senate Chamber today.

President Kinder assumed the Chair.

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

Present—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer
Wasson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 997, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delmar Feiste, which was adopted.

Senator Crowell offered Senate Resolution No. 998, regarding Scott County Central High School, Sikeston, which was adopted.

Senator Brown offered Senate Resolution No. 999, regarding the Honorable John A. Clayton, Vienna, which was adopted.

Senator Brown offered Senate Resolution No. 1000, regarding Joseph F. Alexander, Steelville, which was adopted.

Senator Brown offered Senate Resolution No. 1001, regarding Saundra Dooley, Edgar Springs, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1002, regarding Jerry Cannon, Saint Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1003, regarding Yeatman-Liddell Middle School, Saint Louis City School District, which was adopted.

Senator Nieves offered Senate Resolution No. 1004, regarding Tobias Scott Callaway, Saint Louis, which was adopted.

Senator Chappelle-Nadal offered Senate Resolution No. 1005, regarding Myles Shelby, which was adopted.

Senator Richard offered Senate Resolution No. 1006, regarding Frank Buchanan, which was adopted.

Senator Lembke offered Senate Resolution No. 1007, regarding Timothy Ellebracht, St. Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1008, regarding Meredith A. Davis, Saint Louis, which was adopted.

Senator Lembke offered Senate Resolution No. 1009, regarding Daniel Henkey, Saint Louis, which was adopted.

Senator Nieves offered Senate Resolution No. 1010, regarding Andrew Brent Wurdack, Wildwood, which was adopted.

Senator Lager offered Senate Resolution No. 1011, regarding Andrew Abbott, Savannah, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1012, regarding Vanessa Perou, St. Louis, which was adopted.

Senator Wright-Jones offered Senate Resolution No. 1013, regarding Ashley Cook, Jefferson City, which was adopted.

Senator Curls offered Senate Resolution No. 1014, regarding Jakie Wellman, Southampton, England, which was adopted.

Senator Engler offered Senate Resolution No. 1015, regarding Don Huff, which was adopted.

Senator Engler offered Senate Resolution No. 1016, regarding James Layton, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 101**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 135**, entitled:

An Act to repeal sections 253.082, 253.090, 260.262, 260.380, 260.475, 260.965, 306.109, 319.132, 414.072, 644.036, and 644.054, RSMo, and to enact in lieu thereof seventeen new sections relating to environmental protection, with penalty provisions and an emergency clause for certain sections.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 11, Section 640.045, Line 8, by inserting after all of said section the following:

“640.116. 1. Any water system that exclusively serves a charitable or benevolent organization, if the system does not regularly serve an average of one hundred persons or more at least sixty days out of the year and the system does not serve a school or day-care facility, shall be exempt from all rules relating to well construction except any rules established under sections 256.600 to 256.640 applying to multifamily wells, unless such wells or pump installations for such wells are determined to present a threat to groundwater or public health.

2. If the system incurs three or more total coliform maximum contaminant level violations in a twelve-month period or one acute maximum contaminant level violation, the system owner shall either provide an alternate source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least ninety-nine and ninety-nine one-hundredths percent treatment of viruses.

3. Notwithstanding this or any other provision of law to the contrary, no facility otherwise described in subsection 1 of this section shall be required to replace, change, upgrade, or otherwise be compelled to alter an existing well constructed prior to August 28, 2011, unless such well is determined to present a threat to groundwater or public health or contains the contaminant levels referred to in subsection 2 of this section.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 7, Section 260.965, Line 2, by inserting after all of said line the following:

“306.108. 1. It shall be unlawful for any person to operate, play, or permit the operation of any

public speaking system transmitter, sound amplification device, or any other type of device, mechanical or electronic, to emit or direct music, spoken words, or sounds that can be heard on the Lake of the Ozarks which when measured from a distance of fifty feet or more exceeds eighty decibels on an A-weighted scale during the hours of 7:01 a.m. to 10:00 p.m., or exceeds seventy decibels during the hours of 10:01 p.m. to 7:00 a.m.

2. This section does not supersede any local laws or ordinances regulating noise in the area.

3. Any person who violates the provisions of this section shall be punished by imprisonment not to exceed ninety days or a fine up to five hundred dollars or both imprisonment and a fine.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 135, Page 4, Section 260.269, Line 5, by inserting immediately after the word “**fuel**” on said line the following:

“except in a permitted facility”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 173**, entitled:

An Act to repeal sections 21.920, 227.107, 319.016, and 319.025, RSMo, and to enact in lieu thereof six new sections relating to transportation and infrastructure.

With House Amendment Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 173, Page 1, In the Title, Line 3, by striking the following on said line “transportation and”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said section and line the following:

“227.430. The portion of Missouri Highway 30 from State Route NN north three miles to one tenth of a mile southwest of old Missouri 30 in Jefferson County shall be designated the “SFC Wm. Brian Woods, Jr. Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the cost to be paid for by private donations.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97 by

inserting after said line the following:

“302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309, the director of revenue shall return the license to the operator immediately upon the termination of the period of suspension and upon compliance with the requirements of chapter 303.

2. Any operator whose license is revoked pursuant to these sections, upon the termination of the period of revocation, shall apply for a new license in the manner prescribed by law.

3. (1) All circuit courts, the director of revenue, or a commissioner operating under section 478.007 shall have jurisdiction to hear applications and make eligibility determinations granting limited driving privileges. Any application may be made in writing to the director of revenue and the person’s reasons for requesting the limited driving privilege shall be made therein.

(2) When any court of record having jurisdiction or the director of revenue finds that an operator is required to operate a motor vehicle in connection with any of the following:

(a) [A business, occupation, or] **Driving to or from the operator’s places of employment;**

(b) [Seeking medical treatment for such operator;

(c)] Attending school or other institution of higher education;

[[d)] (c) Attending alcohol or drug treatment programs; **or**

[(e)] **(d)** Seeking the required services of a certified ignition interlock device provider; [or

(f) Any other circumstance the court or director finds would create an undue hardship on the operator;] the court or director may grant such limited driving privilege as the circumstances of the case justify if the court or director finds undue hardship would result to the individual, and while so operating a motor vehicle within the restrictions and limitations of the limited driving privilege the driver shall not be guilty of operating a motor vehicle without a valid license.

(3) An operator may make application to the proper court in the county in which such operator resides or in the county in which is located the operator’s principal place of business or employment. Any application for a limited driving privilege made to a circuit court shall name the director as a party defendant and shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant’s driving record as certified by the director. Any applicant for a limited driving privilege shall have on file with the department of revenue proof of financial responsibility as required by chapter 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When operating such vehicle under such restriction the person shall carry proof that the owner has complied with chapter 303 for that vehicle.

(4) No limited driving privilege shall be issued to any person otherwise eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of subdivision (8) of this subsection, until the applicant has filed proof with the department of revenue that any

motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of limited driving privilege.

(5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall be not later than the end of the period of suspension or revocation. A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall be given to the driver which shall be carried by the driver whenever such driver operates a motor vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of the limited driving privilege to the applicant. The applicant shall carry a copy of the limited driving privilege while operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the date the points are assessed to the person's driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the privilege shall not be terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, certified ignition interlock device, as applicable, shall terminate the privilege. The director shall notify by ordinary mail the driver whose privilege is so terminated.

(6) Except as provided in subdivision (8) of this subsection, no person is eligible to receive a limited driving privilege who at the time of application for a limited driving privilege has previously been granted such a privilege within the immediately preceding five years, or whose license has been suspended or revoked for the following reasons:

(a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar provision of any federal or state law, or a municipal or county law where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing, until the person has completed the first thirty days of a suspension or revocation imposed pursuant to this chapter;

(b) A conviction of any felony in the commission of which a motor vehicle was used;

(c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

(d) Because of operating a motor vehicle under the influence of narcotic drugs, a controlled substance as defined in chapter 195, or having left the scene of an accident as provided in section 577.060;

(e) Due to a revocation for the first time for failure to submit to a chemical test pursuant to section 577.041 or due to a refusal to submit to a chemical test in any other state, if such person has not completed the first ninety days of such revocation;

(f) Violation more than once of the provisions of section 577.041 or a similar implied consent law of any other state; or

(g) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not completed the first thirty days of such suspension, provided the person is not otherwise ineligible for a limited driving privilege; or due to a revocation pursuant to subsection 2 of section 302.525 if such person has not completed such revocation.

(7) No person who possesses a commercial driver's license shall receive a limited driving privilege

issued for the purpose of operating a commercial motor vehicle if such person's driving privilege is suspended, revoked, canceled, denied, or disqualified. Nothing in this section shall prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial motor vehicle provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege.

(8) (a) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of ten years, as prescribed in subdivision (9) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least three years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding three years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state.

(b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the manner prescribed in this subsection, allow a person who has had such person's license to operate a motor vehicle revoked where that person cannot obtain a new license for a period of five years because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of section 302.060, to apply for a limited driving privilege pursuant to this subsection if such person has served at least two years of such disqualification or revocation. Such person shall present evidence satisfactory to the court or the director that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years and that the person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a license permanently in this state because of an alcohol-related conviction subsequent to a restoration of such person's driving privileges pursuant to subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to the provisions of this subdivision.

(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who would otherwise be ineligible for such privilege under another provision of law. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

4. Any person who has received notice of denial of a request of limited driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person resides or the county in which is located the person's principal place of business or employment within thirty days of the date of mailing of the notice of denial. Such review shall be based upon the records of the department of revenue and other competent evidence and shall be limited to a review of whether the applicant was statutorily entitled to the limited driving privilege.

5. The director of revenue shall promulgate rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2001, shall be invalid and void.”; and

Further amend said bill, Page 11, Section 319.025, Line 38 by inserting after said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(4) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

(5) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

(6) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(2) No persistent offender shall be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court; or

(b) The offender participates in and successfully completes a program established pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part of either program, the offender performs at least thirty days of community service under the supervision of the court.**

(3) No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment.

(4) No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of probation for any person who pleads guilty to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of four times per day as scheduled by the court for such duration as determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, require the offender to bear any costs associated with continuous alcohol monitoring or verifiable breath alcohol testing.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of

revenue. After hearing the evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said section and line the following:

“227.410. [The portion of U.S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street shall be designated the “Rabbi Abraham Joshua Heschel Memorial Highway”.] **The portion of U.S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street shall be designated the “Rabbi Ernest I. Jacob Memorial Highway”.** The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs for such designation to be paid for by private donation.”; and

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97, by inserting immediately after said line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer’s rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An “axle load” is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet
between the extremes
of any group of two or

more consecutive axles,
measured to the nearest
foot, except where
indicated otherwise

feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500

30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3

of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock **or agricultural products not including local log truck as defined in section 301.010** may be as much as, but shall not exceed, eighty-five thousand five hundred pounds [while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36]. **The provisions of this subsection, however, shall not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.**”; and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 173, Page 10, Section 249.425, Line 97, by inserting after all of said line the following:

“304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the

place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

(1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;

(2) Establish one-way streets and provide for the regulation of vehicles thereon;

(3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles, **except that each municipality shall allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial vehicles to access any roads in the state highway system. Under no circumstances shall the provisions of this subdivision be construed to authorize municipalities to limit the use of all streets in the municipality;**

(5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid rubber tires;

(6) Regulate the parking of vehicles on streets by the installation of parking meters for limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

(7) Require the use of signaling devices on all motor vehicles; and

(8) Prohibit sound producing warning devices, except horns directed forward.

3. No ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided.

4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the vehicle is being permissively used by a lessee and is illegally parked or operated if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the proper municipal authority within three working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this subsection shall be liable for the imposition of any fine established by municipal ordinance for the violation. Provided, however, if a leased motor vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal parking of such vehicle.

5. No ordinance shall deny the use of commercial vehicles on all streets within the municipality.

537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance.

2. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using vehicles on a public street or highway. Any actions by a court in this state to enjoin the use of a public street or highway in violation of this section and any damages awarded or imposed by a court, or assessed by a jury,

against an individual or business entity for public or private nuisance in violation of this section shall be null and void.

3. Notwithstanding any other provision of law, nothing in this section shall be construed to limit civil liability for compensatory damages arising from physical injury to another human being.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138 by inserting after all of said line the following:

“238.202. 1. As used in sections 238.200 to 238.275, the following terms mean:

- (1) “Board”, the board of directors of a district;
- (2) “Commission”, the Missouri highways and transportation commission;
- (3) “District”, a transportation development district organized under sections 238.200 to 238.275;

(4) “Local transportation authority”, a county, city, town, village, county highway commission, special road district, interstate compact agency, or any local public authority or political subdivision having jurisdiction over any bridge, street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail or other transit improvement or service;

(5) “Project” includes any bridge, street, road, highway, access road, interchange, intersection, signing, signalization, parking lot, bus stop, station, garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail, or [other mass transit] **public mass transportation system** and any similar or related improvement or infrastructure. **In the case of a district located in a home rule city with more than four hundred thousand inhabitants and located in more than one county, whose district boundaries are contained solely within that portion of such a home rule city that is contained within a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the term “Project” shall also include the operation of a street car or other rail-based or fixed guideway public mass transportation system, and the revenue of such district may be used to pay for the design, construction, ownership and operation of such a street car or other rail-based or fixed guideway public mass transportation system by such district or such municipality, or by a local transportation authority having jurisdiction within such municipality.**

(6) “Public mass transportation system”, a transportation system owned or operated by a governmental or quasi-governmental entity, employing motor buses, rails, or any other means of conveyance, by whatsoever type of power, operated for public use in the conveyance of persons, mainly providing local transportation service within a municipality or a single metropolitan statistical area.

2. For the purposes of sections 11(c), 16 and 22 of article X of the Constitution of Missouri, section 137.073, and as used in sections 238.200 to 238.275, the following terms shall have the meanings given:

- (1) “Approval of the required majority” or “direct voter approval”, a simple majority;
- (2) “Qualified electors”, “qualified voters” or “voters”:
 - (a) Within a proposed or established district, except for a district proposed under subsection 1 of section

238.207, any persons residing therein who have registered to vote pursuant to chapter 115; or

(b) Within a district proposed or established under subsection 1 of section 238.207 which has no persons residing therein who have registered to vote pursuant to chapter 115, the owners of record of all real property located in the district, who shall receive one vote per acre, provided that if a registered voter subsequent to the creation of the district becomes a resident within the district and obtains ownership of property within the district, such registered voter must elect whether to vote as an owner of real property or as a registered voter, which election once made cannot thereafter be changed;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115.

238.225. 1. Before construction or funding of any project the district shall submit the proposed project to the commission for its prior approval. If the commission by minute finds that the project will improve or is a necessary or desirable extension of the state highways and transportation system, the commission may preliminarily approve the project subject to the district providing plans and specifications for the proposed project and making any revisions in the plans and specifications required by the commission and the district and commission entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After such preliminary approval, the district may impose and collect such taxes and assessments as may be included in the commission's preliminary approval. After the commission approves the final construction plans and specifications, the district shall obtain prior commission approval of any modification of such plans or specifications.

2. If the proposed project is not intended to be merged into the state highways and transportation system under the commission's jurisdiction, the district shall also submit the proposed project and proposed plans and specifications to the local transportation authority that will become the owner of the project for its prior approval.

3. In those instances where a local transportation authority is required to approve a project and the commission determines that it has no direct interest in that project, the commission may decline to consider the project.

Approval of the project shall then vest exclusively with the local transportation authority subject to the district making any revisions in the plans and specifications required by the local transportation authority and the district and the local transportation authority entering into a mutually satisfactory agreement regarding development and future maintenance of the project. After the local transportation authority approves the final construction plans and specifications, the district shall obtain prior approval of the local transportation authority before modifying such plans or specifications.

4. Notwithstanding any provision of this section to the contrary, this section shall not apply to any district whose project is a public mass transportation system.

238.235. 1. (1) Any transportation development district may by resolution impose a transportation development district sales tax on all retail sales made in such transportation development district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to all sales of electricity or electrical current, water and gas, natural or artificial, nor to sales of service to telephone subscribers, either local or long distance. Such transportation development district sales tax may be imposed for any transportation development purpose designated by the transportation development district in its ballot of submission to its qualified voters, except that no resolution enacted

pursuant to the authority granted by this section shall be effective unless:

(a) The board of directors of the transportation development district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of this section; or

(b) The voters approved the question certified by the petition filed pursuant to subsection 5 of section 238.207.

(2) If the transportation district submits to the qualified voters of the transportation development district a proposal to authorize the board of directors of the transportation development district to impose or increase the levy of an existing tax pursuant to the provisions of paragraph (a) of subdivision (1) of this subsection, the ballot of submission shall contain, but need not be limited to, the following language:

Shall the transportation development district of (transportation development district's name) impose a transportation development district-wide sales tax at the rate of (insert amount) for a period of (insert number) years from the date on which such tax is first imposed for the purpose of (insert transportation development purpose)?

YES

NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the resolution and any amendments thereto shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the board of directors of the transportation development district shall have no power to impose the sales tax authorized by this section unless and until the board of directors of the transportation development district shall again have submitted another proposal to authorize it to impose the sales tax pursuant to the provisions of this section and such proposal is approved by a majority of the qualified voters voting thereon.

(3) The sales tax authorized by this section shall become effective on the first day of the second calendar quarter after the department of revenue receives notification of the tax.

(4) In each transportation development district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the transportation development district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

(5) In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the transportation development district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285.

(6) All revenue received by a transportation development district from the tax authorized by this section which has been designated for a certain transportation development purpose shall be deposited in a special trust fund and shall be used solely for such designated purpose. Upon the expiration of the period of years

approved by the qualified voters pursuant to subdivision (2) of this subsection or if the tax authorized by this section is repealed pursuant to subsection 6 of this section, all funds remaining in the special trust fund shall continue to be used solely for such designated transportation development purpose. Any funds in such special trust fund which are not needed for current expenditures may be invested by the board of directors in accordance with applicable laws relating to the investment of other transportation development district funds.

(7) The sales tax may be imposed in increments of one-eighth of one percent, up to a maximum of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the transportation development district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, except such transportation development district sales tax shall not apply to the sale or use of motor vehicles, trailers, boats or outboard motors nor to public utilities. Any transportation development district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the district.

2. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the transportation development district.

3. On and after the effective date of any tax imposed pursuant to this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax, and the director of revenue shall collect, in addition to all other sales taxes imposed by law, the additional tax authorized pursuant to this section. The tax imposed pursuant to this section and the taxes imposed pursuant to all other laws of the state of Missouri shall be collected together and reported upon such forms and pursuant to such administrative rules and regulations as may be prescribed by the director of revenue.

4. (1) All applicable provisions contained in sections 144.010 to 144.525, governing the state sales tax, sections 32.085 and 32.087 and section 32.057, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525 are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525 for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the transportation development district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057 and sections 144.010 to 144.525 for violation of those

sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales except retail sales of motor vehicles shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

5. All sales taxes received by the transportation development district shall be deposited by the director of revenue in a special fund to be expended for the purposes authorized in this section. The director of revenue shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each transportation development district and the general public.

6. (1) No transportation development district imposing a sales tax pursuant to this section may repeal or amend such sales tax unless such repeal or amendment will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects.

(2) Whenever the board of directors of any transportation development district in which a transportation development sales tax has been imposed in the manner provided by this section receives a petition, signed by ten percent of the qualified voters calling for an election to repeal such transportation development sales tax, the board of directors shall, if such repeal will not impair the district's ability to repay any liabilities which it has incurred, money which it has borrowed or revenue bonds, notes or other obligations which it has issued or which have been issued by the commission or any local transportation authority to finance any project or projects, submit to the qualified voters of such transportation development district a proposal to repeal the transportation development sales tax imposed pursuant to the provisions of this section. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal to repeal the transportation development sales tax, then the resolution imposing the transportation development sales tax, along with any amendments thereto, is repealed. If a majority of the votes cast by the qualified voters voting thereon are opposed to the proposal to repeal the transportation development sales tax, then the ordinance or resolution imposing the transportation development sales tax, along with any amendments thereto, shall remain in effect.

7. Notwithstanding any provision of sections 99.800 to 99.865, and this section to the contrary, the sales tax imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as such term is defined under sections 99.805 and 99.918 and shall not be subject to allocation under the provisions of subsection 3 of section 99.845, or subsection 4 of section 99.957.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 173, Page 7, Section 227.107, Line 138, by

inserting after all of said section and line the following:

“227.424. The portion of Interstate 40/64 in St. Louis County from the Boone’s Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 shall be designated as the “Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”. The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donations.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 163**, entitled:

An Act to repeal sections 172.030, 173.005, and 174.450, RSMo, and to enact in lieu thereof three new sections relating to higher education governing boards, with an existing penalty provision.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163, Page 1, Section 172.030, Line 7, by inserting at the end of said line the following:

“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.”; and

Further amend said bill, Page 2, Section 173.005, line 19, by deleting all of said line and inserting in lieu thereof the following:

“the board, shall be reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term. The coordinating board may, in”; and

Further amend said bill, Page 7, Section 174.450, Line 30, by inserting at the end of said line the following:

“Notwithstanding any provision of law to the contrary, nothing in this section relating to a change in the composition and configuration of congressional districts in this state shall prohibit a member who is serving a term on August 28, 2011, from completing his or her term.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 219**, entitled:

An Act to repeal sections 313.800, 313.812, 313.817, 313.830, 362.111, and 370.073, RSMo, and to

enact in lieu thereof six new sections relating to financial transactions.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 219, Page 1, Section 313.800, Line 4, by deleting all of said line and inserting in lieu thereof the following: “devices less winnings paid to wagers;”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 219, Page 1, Section A, Line 3, by inserting after all of said section and line the following:

“44.114. Except as otherwise provided in this section, at the time of any emergency, catastrophe, or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision shall impose restrictions or enforce local licensing or registration ordinances with respect to such insurer’s claims handling operations. As used in this section, the term “claims handling operations” includes but is not limited to the establishment of a base of operations by an insurer within the disaster area and the investigation and handling of claims by personnel authorized by any such insurer. Nothing herein shall prohibit a political subdivision from performing any safety inspection authorized by local ordinance of the premises of the insurer’s base operations within the disaster area.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 220**, entitled:

An Act to repeal sections 429.015 and 516.098, RSMo, and to enact in lieu thereof two new sections relating to liens for architects, professional engineers, land surveyors, and landscape architects.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 220, Page 3, Section 516.098, Line 6, by inserting immediately after said line the following:

“537.033. 1. As used in this section, unless the context clearly indicates otherwise, the following words shall mean:

(1) “Design professional”, an architect, landscape architect, professional land surveyor or professional engineer, licensed under the provisions of chapter 327 or any corporation authorized to practice architecture, landscape architecture, land surveying, or engineering under section 327.401 while acting within his or her scope of practice;

(2) “Peer review process”, a process through which design professionals evaluate, maintain, or

monitor the quality and utilization of architectural, landscape architectural, land surveying or engineering services, prepare internal lessons-learned, or exercise any combination of such responsibilities.

2. A peer review process may be performed by the following, each of whom shall be deemed a peer reviewer:

(1) An individual design professional or committee of design professionals appointed by a state, county or local society of design professionals;

(2) An individual design professional or committee of design professionals appointed by the partners, shareholders, or employed design professionals of a partnership or of a corporation authorized under section 327.401;

(3) Any individual design professional or committee of design professionals appointed by the partners, board of directors, chief executive officer, or the quality control director of a partnership or a corporation authorized under section 327.401 to practice architecture, landscape architecture, land surveying, or engineering, or by the owner of a sole proprietorship engaged in one or more of such professions.

3. Each peer reviewer, member of a peer review committee, and each person, corporate director, partner, quality control director, or other design professional who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a process shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process.

4. Except as otherwise provided in this section, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of the peer review process, or the existence of the same, concerning the professional services provided to a client or member of the public are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services. Except as otherwise provided in this section, no person who was in attendance at or participated in any peer review process or proceedings shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the peer reviewer or any member of a peer review committee; provided, however, that information otherwise discoverable or admissible from original sources shall not be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer reviewer, nor shall a member, employee, or agent involved in any such process, or other person appearing before a peer reviewer be prevented from testifying as to matters within his or her personal knowledge and in accordance with the other provisions of this section; except that, such witness shall not be questioned about testimony or other proceedings before any peer review process or peer reviewer or about opinions formed as a result of such process. The disclosure of any interview, memoranda, proceedings, findings, deliberations, reports, or minutes to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other design professionals, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

5. Nothing in this section shall limit authority otherwise provided by law of the Missouri board

for architects, professional engineers, professional land surveyors and landscape architects to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information developed outside of the peer review process which relate to matters and investigations within the jurisdiction of such licensing board.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for HB 22, with **SCS**, entitled:

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2011 and ending June 30, 2012.

Was taken up by Senator Schaefer.

SCS for HCS for HB 22, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 22**

An Act to appropriate money for purposes for the several departments and offices of state government; for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the fiscal period beginning July 1, 2011 and ending June 30, 2013.

Was taken up.

Senator Schaefer moved that **SCS for HCS for HB 22** be adopted.

Senator Schaefer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 4, Section 22.065, Line 4, by inserting immediately after said line the following;

“Section 22.070. To the Department of Transportation

For funding local and regional port authorities for construction, which includes planning, docks, buildings, roads, railroads, sewers, water and electric lines, land purchases, building purchases, landscaping, and equipment

From General Revenue \$1,000,000”;

and

further amend bill totals accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 22, Page 3, Section 22.046, Line 1, by deleting the word “Department” and inserting in lieu thereof the following: “Office”; and further amend said section, line 5 by deleting the number: “\$1,100,000” and inserting in lieu thereof the following: “\$1,050,000”.

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

Senator Schaefer moved that **SCS** for **HCS** for **HB 22**, as amended, be adopted, which motion prevailed.

On motion of Senator Schaefer, **SCS** for **HCS** for **HB 22**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway
Rupp	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Crowell	Lembke	Purgason	Schaaf—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Schaefer requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on House Committee Substitute for House Bill No. 2, with Senate Committee Substitute; House Committee Substitute for House Bill No. 3, with Senate Committee Substitute; House Committee Substitute for House Bill No. 4, with Senate Committee Substitute; House Committee Substitute for House Bill No. 5, with Senate Committee Substitute; House Committee Substitute for House Bill No. 6, with Senate Committee Substitute; House Committee Substitute for House Bill No. 7, with Senate Committee Substitute, as amended; House Committee Substitute for House Bill No. 8, with Senate Committee Substitute; House Committee Substitute for House Bill No. 9, with Senate Committee Substitute; House Committee Substitute for House Bill No. 10, with Senate Committee Substitute; House Committee Substitute for House Bill No. 11, with Senate Committee Substitute; House Committee Substitute for House Bill No. 12, with Senate Committee Substitute; and House Committee Substitute for

House Bill No. 13, with Senate Committee Substitute to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has passed **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193**, the objections of the Governor thereto notwithstanding.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the attached is a certified copy of the Roll Call on **Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 193**.

Ayes: 109

Allen	Asbury	Bahr	Barnes	Bernskoetter	Berry	Brandom	Brattin
Brown 50	Brown 85	Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis	Day	Denison	Dieckhaus
Diehl	Dugger	Elmer	Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson	Hoskins	Hough	Houghton
Hubbard	Hughes	Johnson	Jones 89	Jones 117	Keeney	Kelley 126	Klippenstein
Koenig	Korman	Lair	Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Nasheed	Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland	Ruzicka	Sater	Schad
Scharnhorst	Schatz	Schieber	Schneider	Schoeller	Shumake	Silvey	Smith 150
Solon	Stream	Thomson	Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker			

Noes: 44

Anders	Atkins	Aull	Black	Carlson	Carter	Casey	Conway 27
Ellinger	Fallert	Harris	Holsman	Hummell	Jones (63)	Kander	Kirkton
Kratky	Lampe	May	McDonald	McGeoghegan	McManus	McNeil	Meadows
Montecillo	Newman	Nichols	Oxford	Pace	Peters-Baker	Quinn	Rizzo
Schieffer	Schupp	Shively	Sifton	Smith 71	Spreng	Still	Swearingen
Talboy	Taylor	Webb	Webber				

Absent and Absent with Leave: 7

Colona	Hodges	Kelly 24	McCann Beatty	Pierson	Swinger	Walton Gray
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Vacancies: 3

Senator Rupp moved that **CCS** for **SS** for **HCS** for **HB 193** be passed, the objections of the Governor thereto notwithstanding, which motion received the necessary two-thirds majority by the following vote:

YEAS—Senators

Brown	Callahan	Crowell	Cunningham	Curls	Dempsey	Dixon	Engler
Goodman	Justus	Kehoe	Kraus	Lager	Lamping	Lembke	Mayer
Munzlinger	Nieves	Parson	Pearce	Purgason	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Wasson—28				

NAYS—Senators

Chappelle-Nadal	Green	Keaveny	McKenna	Stouffer	Wright-Jones—6
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Dixon moved that the Senate refuse to concur in **HCS** for **SB 173**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Lager assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 190, introduced by Representative Ruzicka, entitled:

An Act to repeal section 253.082, RSMo, and to enact in lieu thereof three new sections relating to cash transactions by the department of natural resources.

Was taken up by Senator Brown.

Senator Schmitt assumed the Chair.

On motion of Senator Brown, **HB 190** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Dempsey	Engler	Goodman
Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	Lembke
Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce	Purgason	Richard
Ridgeway	Rupp	Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—32

NAYS—Senators—None

Absent—Senators

Curls	Dixon—2
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

HCS for **HB 250**, with **SCS**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to well water.

Was taken up by Senator Stouffer.

SCS for **HCS** for **HB 250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 250

An Act to repeal section 256.400, RSMo, and to enact in lieu thereof three new sections relating to well water.

Was taken up.

Senator Stouffer moved that **SCS** for **HCS** for **HB 250** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **HCS** for **HB 250** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Goodman	Green	Justus	Keaveny	Kehoe	Kraus	Lager
Lamping	Lembke	Mayer	McKenna	Munzlinger	Nieves	Parson	Pearce
Purgason	Richard	Ridgeway	Schaaf	Schaefer	Schmitt	Stouffer	Wasson

Wright-Jones—33

NAYS—Senators—None

Absent—Senator Rupp—1

Absent with leave—Senators—None

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

HB 101, with **SCS**, introduced by Representative Loehner, entitled:

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof one new section relating to the tasting of liquor.

Was taken up by Senator Cunningham.

SCS for **HB 101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 101

An Act to repeal section 311.297, RSMo, and to enact in lieu thereof two new sections relating to liquor control.

Was taken up.

Senator Cunningham moved that **SCS** for **HB 101** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 101, Page 2, Section 311.297, Line 36, by inserting after all of said line the following:

“311.482. 1. Notwithstanding any other provision of this chapter, a permit for the sale of **all kinds of intoxicating liquor** [as defined in section 311.020], **including intoxicating liquor in the original package, at retail by the drink** for consumption on **the** premises [where sold] **of the licensee** may be issued to any church, school, civic, service, fraternal, veteran, political, or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair, or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven days by any such club or organization.

2. To secure the permit, the applicant shall complete a form provided by the supervisor, but no applicant shall be required to furnish a personal photograph as part of the application. The applicant shall pay a fee of twenty-five dollars for such permit.

3. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 a.m.

4. At the same time that an applicant applies for a permit under the provisions of this section, the applicant shall notify the director of revenue of the holding of the event and by such notification, by certified mail, shall accept responsibility for the collection and payment of any applicable sales tax. Any sales tax due shall be paid to the director of revenue within fifteen days after the close of the event, and failure to do so shall result in a liability of triple the amount of the tax due plus payment of the tax, and denial of any other permit for a period of three years. Under no circumstances shall a bond be required from the applicant.

5. No provision of law or rule or regulation of the supervisor shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

311.485. 1. The supervisor of liquor control may issue a temporary permit to caterers and other persons

holding licenses to sell intoxicating liquor, **including intoxicating liquor in the original package**, by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight consecutive hours, and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this section, the permittee shall pay to the director of revenue the sum of ten dollars for each calendar day, or fraction thereof, for which the permit is issued.

2. Except as provided in subsection 3 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion or event is held shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees, or stock are in such premises. [Except for Missouri-produced wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this temporary permit.]

3. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

4. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering permit issued pursuant to this section.

311.486. 1. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor, **including intoxicating liquor in the original package**, by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for a maximum of fifty days during any year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of five hundred dollars a year payable at the same time and in the same manner as its other license fees.

2. The supervisor of alcohol and tobacco control may issue a special license to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this chapter who furnish provisions and service for use at a particular function, occasion, or event at a particular location other than the licensed premises, but not including a festival as defined in chapter 316. The special license shall be effective for an unlimited number of functions during the year, and shall authorize the service of alcoholic beverages at such function, occasion, or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic

beverages for on-premises consumption. For every special license issued pursuant to the provisions of this subsection, the licensee shall pay to the director of revenue the sum of one thousand dollars a year payable at the same time and in the same manner as its other license fees.

3. Caterers issued a special license pursuant to subsections 1 and 2 of this section shall report to the supervisor of alcohol and tobacco control the location of each function three business days in advance. The report of each function shall include permission from the property owner and city, description of the premises, and the date or dates the function will be held.

4. Except as provided in subsection 5 of this section, all provisions of the liquor control law and the ordinances, rules and regulations of the incorporated city, or the unincorporated area of any county, in which is located the premises in which such function, occasion, or event is held shall extend to such premises and shall be in force and enforceable during all the time that the licensee, its agents, servants, employees, or stock are in such premises. [Except for wines in the original package, the provisions of this section shall not include the sale of packaged goods covered by this special license.]

5. Notwithstanding any other law to the contrary, any caterer who possesses a valid state and valid local liquor license may deliver alcoholic beverages, in the course of his or her catering business. A caterer who possesses a valid state and valid local liquor license need not obtain a separate license for each city the caterer delivers in, so long as such city permits any caterer to deliver alcoholic beverages within the city.

6. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight delivered and invoiced under the catering license number, but not used, if the wholesaler removes the product within seventy-two hours of the expiration of the catering function.”; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 1** is out of order in that it is outside the scope of the underlying bill.

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

SA 1 was again taken up.

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

Senator Justus offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 101, Page 1, Section 311.087, Line 16, by inserting after all of said line the following:

“311.088. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a home rule city with more than four hundred thousand inhabitants and located in more than one county may be issued a special permit by the state and such city. Notwithstanding the provisions of 311.089 to the contrary, the special permit issued under this section shall allow the licensed premises to sell intoxicating liquor from 6:00 a.m. until 3:00 a.m. on the morning of the following day within one twenty-four hour period. Any person granted a special permit under this section shall only be

authorized to receive up to six such special permits from the city in a calendar year.”; and

Further amend the title and enacting clause accordingly

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

Senator Cunningham moved that **SCS** for **HB 101**, as amended, be adopted, which motion prevailed.

On motion of Senator Cunningham, **SCS** for **HB 101**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Callahan	Chappelle-Nadal	Crowell	Cunningham	Curls	Dempsey	Dixon
Engler	Green	Justus	Keaveny	Kehoe	Kraus	Lager	Lembke
McKenna	Munzlinger	Nieves	Parson	Pearce	Richard	Ridgeway	Rupp
Schaaf	Schaefer	Schmitt	Stouffer	Wasson	Wright-Jones—30		

NAYS—Senators

Goodman	Lamping	Mayer	Purgason—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 42**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

The Senate observed a moment of silence in memory of Craig Tuttle.

RESOLUTIONS

Senator Dempsey offered Senate Resolution No. 1017, regarding Merle Schneider, which was adopted.

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

SENATE CALENDAR

SIXTY-FOURTH DAY—THURSDAY, MAY 5, 2011

FORMAL CALENDAR

VETOED BILLS

SCS for SB 188-Lager, et al

HOUSE BILLS ON SECOND READING

HCS for HB 773

HCS for HJR 16

HCS for HB 552

HCS for HB 787

HCS for HB 597

HJR 27-Brattin, et al

THIRD READING OF SENATE BILLS

SCS for SB 11-McKenna
(In Fiscal Oversight)

SB 204-Dempsey, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 260-Wasson, with SCS
2. SB 425-Goodman, with SCS
3. SB 400-Kraus, with SCS
4. SB 392-Rupp, with SCS
5. SB 403-Nieves
6. SB 329-Nieves
7. SB 353-Engler

8. SJR 16-Goodman, with SCS
9. SB 391-Lager
10. SB 253-Callahan and Cunningham, with SCS
11. SB 223-Mayer
12. SB 119-Schaefer
13. SB 150-Munzlinger
14. SB 84-Wright-Jones

15. SB 45-Wright-Jones
 16. SB 14-Pearce, with SCS
 17. SB 281-Kraus

18. SB 399-Kraus
 19. SB 44-Wright-Jones

HOUSE BILLS ON THIRD READING

HB 462-Pollock, with SCS (Lager)
 HCS for HB 89, with SCS (Lager)
 (In Fiscal Oversight)
 HCS for HB 578, with SCS (Lager)

HB 737-Redmon and Shumake, with SCS
 (Lager)
 HB 183-Silvey (Kraus)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 18-Schmitt

SS for SB 231-Lager

SENATE BILLS FOR PERFECTION

SBs 1 & 206-Ridgeway, with SCS & SA 1
 (pending)
 SBs 7, 5, 74 & 169-Goodman, with SCS
 SB 10-Rupp
 SB 23-Keaveny, with SCS & SS for SCS
 (pending)
 SB 25-Schaaf, with SCS & SS for SCS
 (pending)
 SB 28-Brown
 SB 37-Lembke, with SCS
 SB 52-Cunningham
 SB 72-Kraus, with SS (pending)
 SBs 88 & 82-Schaaf, with SCS & SA 1
 (pending)
 SB 120-Stouffer, with SS (pending)
 SB 130-Rupp, with SCS & SS for SCS
 (pending)
 SB 155-Rupp, with SCS
 SB 175-Munzlinger, et al, with SA 1
 (pending)

SB 176-Munzlinger, et al
 SBs 189, 217, 246, 252 & 79-Schmitt,
 with SCS
 SB 200-Crowell
 SB 203-Schmitt, et al, with SS (pending)
 SB 208-Lager
 SB 209-Lager
 SB 228-Pearce
 SB 242-Cunningham, with SCS & SS for SCS
 (pending)
 SB 247-Pearce, with SS (pending)
 SB 264-Rupp, with SCS
 SB 278-Munzlinger, et al
 SB 280-Purgason, et al, with SCS & SS
 for SCS (pending)
 SBs 291, 184 & 294-Pearce, with SCS & SA 4
 (pending)
 SB 299-Munzlinger, with SCS (pending)
 SB 326-Wasson
 SBs 369 & 370-Cunningham, with SCS

SB 390-Schmitt, et al
SBs 408 & 80-Crowell, with SCS
SB 420-Mayer, with SCS

SJR 11-Munzlinger, with SCS
SJR 15-Nieves, et al, with SS (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 61
HB 71-Nasheed, et al
HCS for HBs 112 & 285, with SCS (Brown)
HCS for HB 143 (Goodman)
HB 282-Franz, with SCS (Crowell)
HCS for HBs 294, 123, 125, 113, 271 &
215, with SCS & SS for SCS (pending)
(Munzlinger)
HCS for HB 336 (Schmitt)
HCS for HB 338 (Lager)
HB 361-Leara (Cunningham)
HB 442-Franz, with SA 2 (pending)
(Parson)

HCS for HB 545, with SCS & SS for SCS
(pending) (Schaaf)
HCS for HB 556
HCS#2 for HB 609, with SCS (Wasson)
HB 648-Montecillo, with SS (pending)
(Rupp)
HB 738-Nasheed, et al, with SCS
(pending) (Cunningham)
HJR 2-McGhee, et al (Goodman)
HJR 6-Cierpiot, et al (Cunningham)
HJR 29-Solon, et al, with SA 1 (pending)
(Munzlinger)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 58-Stouffer and
Lembke, with HCS, as amended
SS for SB 135-Schaefer, with HCS, as
amended
SCS for SB 163-Pearce, with HCS, as
amended

SCS for SB 219-Wasson, with HCS, as
amended
SB 220-Wasson, with HCS, as amended
SJR 2-Stouffer, with HCS#2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS (Schaefer)
HCS for HB 3, with SCS (Schaefer)
HCS for HB 4, with SCS (Schaefer)
HCS for HB 5, with SCS (Schaefer)

HCS for HB 6, with SCS (Schaefer)
HCS for HB 7, with SCS, as amended
(Schaefer)
HCS for HB 8, with SCS (Schaefer)

HCS for HB 9, with SCS (Schaefer)
HCS for HB 10, with SCS (Schaefer)
HCS for HB 11, with SCS (Schaefer)

HCS for HB 12, with SCS (Schaefer)
HCS for HB 13, with SCS (Schaefer)

Requests to Recede or Grant Conference

SS#2 for SCS for SB 8-Goodman, with HCS,
as amended (Senate requests House
recede or grant conference)

SB 173-Dixon and Kehoe, with
HCS, as amended (Senate requests
House recede or grant conference)

RESOLUTIONS

Reported from Committee

SR 179-Purgason
HCS for HCR 23 (Dixon)

HCR 37-Franklin, et al
HCR 42-Funderburk, et al

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