

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY—TUESDAY, APRIL 23, 2013

The Senate met pursuant to adjournment.

Senator Kehoe in the Chair.

HOUSE BILLS ON SECOND READING

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

HB 443—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 813—Jobs, Economic Development and Local Government.

HCS for HB 468—Governmental Accountability and Fiscal Oversight.

HB 253—Ways and Means.

HCS for HB 389—Jobs, Economic Development and Local Government.

HCS for HB 175—Ways and Means.

HB 400—Judiciary and Civil and Criminal Jurisprudence.

HB 510—Small Business, Insurance and Industry.

HCS for HB 290—Financial and Governmental Organizations and Elections.

HCS for HB 252—Seniors, Families and Pensions.

HB 733—Jobs, Economic Development and Local Government.

HCS for HB 351—Veterans' Affairs and Health.

HCS for HB 436—General Laws.

HB 339—Small Business, Insurance and Industry.

HB 274—Veterans' Affairs and Health.

HCS for HB 1035—Jobs, Economic Development and Local Government.

HB 747—Commerce, Consumer Protection, Energy and the Environment.

HCS for HBs 593 and 695—Small Business, Insurance and Industry.

HCS for HB 340—General Laws.

HCS No. 2 for HB 698—Jobs, Economic Development and Local Government.

On motion of Senator Richard, the Senate recessed until 2:30 p.m.

RECESS

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

Reverend Carl Gauck offered the following prayer:

“This is the day the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Gracious God, we are truly glad and see ourselves blessed that these days are so wonderful, in spite of the abundance of rain. We rejoice that the beauty of each day doesn’t escape our notice and we embrace this time of year for the work we can accomplish and yet be refreshed in it. As we spend time in this chamber, let us still be aware of Your creation and do all we can so others less fortunate may also have reason to rejoice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh

Wasson—33

Absent—Senators—None

Absent with leave—Senator Rupp—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 772, regarding Christina Shaw, which was adopted.

Senator Lamping offered Senate Resolution No. 773, regarding Megan Willingham, which was adopted.

Senator Schaaf offered Senate Resolution No. 774, regarding Grace S. Day, which was adopted.

Senator Sater offered Senate Resolution No. 775, regarding the Ninety-eighth Birthday of Bernice Mathis Smith, Pineville, which was adopted.

Senator Sater offered Senate Resolution No. 776, regarding the One Hundred Third Birthday of Lena Smith Vaughan, Pineville, which was adopted.

Senator Chappelle-Nadal offered the following resolution:

SENATE RESOLUTION NO. 777

WHEREAS, the Missouri Senate recognizes the importance of programs designed to provide college students the opportunity to enhance their leadership qualities; and

WHEREAS, the 21st Century Leadership Academy hosted by the University of Missouri-St. Louis is an intense program designed to encourage women's public sector leadership; and

WHEREAS, Leadership Academy "Fellows" are selected from nine participating state universities; and

WHEREAS, the Leadership Academy curriculum includes interactive panel discussions and skill-building workshops, as well as the opportunity to participate in a mock legislative session; and

WHEREAS, the Missouri Senate has a long tradition of assisting those seeking insight into the Legislative Branch of state government by granting use of the Senate Chamber.

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the 21st Century Leadership Academy use of the Senate Chamber for the purpose of conducting a mock legislative session from 10:00 am to 12:00 noon on Wednesday, May 22, 2013.

Senator Chappelle-Nadal requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 777** up for adoption, which request was granted.

On motion of Senator Chappelle-Nadal, **SR 777** was adopted.

Senator Schaaf offered Senate Resolution No. 778, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Bob McDonald, Smithville, which was adopted.

Senator Schaaf offered Senate Resolution No. 779, regarding Deborah J. Walker, which was adopted.

Senator Schaaf offered Senate Resolution No. 780, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ken Adams, St. Joseph, which was adopted.

Senator LeVota offered Senate Resolution No. 781, regarding Admiral Mike Mullen, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 315**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to prescription eye drop refills.

Was taken up by Senator Wasson.

Senator Wasson offered **SS** for **HCS** for **HB 315**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 315

An Act to repeal sections 334.040, 334.715, 334.735, 335.066, 338.150, 338.220, RSMo, and to enact in lieu thereof ten new sections relating to health care services.

Senator Kraus assumed the Chair.

Senator Wasson moved that **SS** for **HCS** for **HB 315** be adopted.

Senator Schaaf offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 315, Page 35, Section 338.220, Line 25 of said page, by inserting immediately after said line the following:

“354.535. 1. If a pharmacy, operated by or contracted with by a health maintenance organization, is closed or is unable to provide health care services to an enrollee in an emergency, a pharmacist may take an assignment of such enrollee’s right to reimbursement, if the policy or contract provides for such reimbursement, for those goods or services provided to an enrollee of a health maintenance organization. No health maintenance organization shall refuse to pay the pharmacist any payment due the enrollee under the terms of the policy or contract.

2. No health maintenance organization, conducting business in the state of Missouri, shall contract with a pharmacy, pharmacy distributor or wholesale drug distributor, nonresident or otherwise, unless such pharmacy or distributor has been granted a permit or license from the Missouri board of pharmacy to operate in this state.

3. Every health maintenance organization shall apply the same coinsurance, co-payment and deductible factors to all drug prescriptions filled by a pharmacy provider who participates in the health maintenance organization’s network if the provider meets the contract’s explicit product cost determination. If any such contract is rejected by any pharmacy provider, the health maintenance organization may offer other contracts necessary to comply with any network adequacy provisions of this act. However, nothing in this section shall be construed to prohibit the health maintenance organization from applying different coinsurance, co-payment and deductible factors between generic and brand name drugs.

4. If the co-payment applied by a health maintenance organization exceeds the usual and customary retail price of the prescription drug, enrollees shall only be required to pay the usual and customary retail price of the prescription drug, and no further charge to the enrollee or plan sponsor shall be incurred on such prescription.

5. Health maintenance organizations shall not set a limit on the quantity of drugs which an enrollee may obtain at any one time with a prescription, unless such limit is applied uniformly to all pharmacy providers in the health maintenance organization’s network.

[5.] 6. Health maintenance organizations shall not insist or mandate any physician or other licensed health care practitioner to change an enrollee’s maintenance drug unless the provider and enrollee agree to such change. For the purposes of this provision, a maintenance drug shall mean a drug prescribed by a practitioner who is licensed to prescribe drugs, used to treat a medical condition for a period greater than thirty days. Violations of this provision shall be subject to the penalties provided in section 354.444. Notwithstanding other provisions of law to the contrary, health maintenance organizations that change an enrollee’s maintenance drug without the consent of the provider and enrollee shall be liable for any damages resulting from such change. Nothing in this subsection, however, shall apply to the dispensing of generically equivalent products for prescribed brand name maintenance drugs as set forth in section 338.056.

376.387. If the co-payment for prescription drugs applied by a health insurer or health carrier, as defined in section 376.1350, exceeds the usual and customary retail price of the prescription drug, enrollees shall only be required to pay the usual and customary retail price of the prescription drug, and no further charge to the enrollee or plan sponsor shall be incurred on such prescription.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wasson moved that **SS** for **HCS** for **HB 315** be adopted, which motion prevailed.

On motion of Senator Wasson, **SS** for **HCS** for **HB 315** was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—32

NAYS—Senators—None

Absent—Senator Kehoe—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

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

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

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

HB 53 was placed on the Informal Calendar.

At the request of Senator Brown, **HB 112** was placed on the Informal Calendar.

HB 68, introduced by Representative Kelley (127), et al, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of pancreatic cancer awareness month.

Was taken up by Senator Lamping.

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

SENATE AMENDMENT NO. 1

Amend House Bill No. 68, Page 1, In the Title, Lines 2-3, by striking the following: “the designation of pancreatic cancer awareness month” and inserting in lieu thereof the following: “state designations”; and

Further amend said bill and page, section 9.155, line 5, by inserting after all of said line the following:

“9.190. The last full week in October is hereby designated as “Respiratory Syncytial Virus (RSV) Awareness Week” in the state of Missouri. The citizens of this state are encouraged to observe the week with appropriate activities and events.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Lamping, **HB 68**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Holsman	Justus
Keaveny	Kraus	Lager	Lamping	LeVota	Libla	McKenna	Munzlinger
Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater	Schaaf
Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh	Wasson—31	

NAYS—Senator Emery—1

Absent—Senator Kehoe—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

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

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

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

HB 163, introduced by Representatives Fitzpatrick and Dugger, entitled:

An Act to repeal section 78.090, RSMo, and to enact in lieu thereof one new section relating to primary elections.

Was taken up by Senator Sater.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 163, Page 1, Section A, Line 2, by inserting after all of said line the following:

“77.030. 1. Unless it elects to be governed by subsection 2 of this section, the council shall by ordinance divide the city into not less than four wards, and two councilmen shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen in cities hereafter adopting the provisions of this chapter; the one receiving the highest number of votes in each ward shall hold his office for two years, and the one receiving the next highest number of votes shall hold his office for one year; but thereafter each ward shall elect annually one councilman, who shall hold his office for two years.

2. In lieu of electing councilmen as provided in subsection 1 of this section, the council may elect to establish wards and elect councilmen as provided in this subsection. If the council so elects, it shall, by ordinance, divide the city into not less than four wards, and one councilman shall be elected from each of such wards by the qualified voters thereof at the first election for councilmen held in the city after it adopts the provisions of this subsection. At the first election held under this subsection the councilmen elected from the odd-numbered wards shall be elected for a term of one year and the councilmen elected from the even-numbered wards shall be elected for a term of two years. At each annual election held thereafter, successors for councilmen whose terms expire in such year shall be elected for a term of two years.

3. (1) Council members may serve four-year terms if the two-year terms provided under subsection 1 or 2 of this section have been extended to four years by ordinance or by approval of a majority of the voters voting on the proposal.

(2) The ballot of submission shall be in substantially the following form:

Shall the terms of council members which are currently set at two years in..... (city) be extended to four years for members elected after August 28, 2013?

YES

NO

(3) If an ordinance is passed or a majority of the voters voting approve the proposal authorized in this subsection, the members of council who would serve two years under subsections 1 and 2 of this section shall be elected to four-year terms beginning with any election occurring after the adoption of the ordinance or approval of the ballot question.”; and

Further amend the title and enacting clause accordingly.

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

Senator Silvey offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend page 2, Section 78.090, line 23, by inserting immediately after all of said line the following:

“96.229. 1. Notwithstanding subsection 5 of section 96.150 regarding the lease of substantially all of a hospital where the board of trustees is lessor, a city in which a hospital is located that:

(1) Is organized and operated under this chapter;

(2) Has not accepted appropriated funds from the city during the prior twenty years; and

(3) Is licensed by the department of health and senior services for two hundred beds or more pursuant to sections 197.010 to 197.120,

shall not have authority to sell, lease, or otherwise transfer all or substantially all of the property from a hospital organized under this chapter, both real and personal, except in accordance with this section.

2. Upon filing with the city clerk of a resolution adopted by no less than two-thirds of the incumbent members of the board of trustees to sell, lease, or otherwise transfer all or substantially all of the hospital property, both real and personal, for reasons specified in the resolution, the clerk shall present the resolution to the city council. If a majority of the incumbent members of the city council determine that sale, lease, or other transfer of the hospital property is desirable, the city council shall submit to the voters of the city the question in substantially the following form:

“Shall the city council of _____, Missouri and the board of trustees of _____ hospital be authorized to sell (or lease or otherwise transfer) the property, real and personal, of _____ hospital as approved by, and in accordance with, the resolution of the board of trustees authorizing such sale (or lease or transfer)?”

A majority of the votes cast on such question shall be required in order to approve and authorize such sale, lease or other transfer. If the question receives less than the required majority, then the city council and the board of trustees shall have no power to sell, lease or otherwise transfer the property, real and personal, of the hospital unless and until the city council has submitted another question to authorize such sale, lease or transfer authorized under this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section and after the adoption of another resolution by no less than two-thirds of the board of trustees and a subsequent vote by a majority of the city council to again submit the question to the voters.

3. Upon passage of such question by the voters, the board of trustees shall sell and dispose of such property, or lease or transfer such property, in the manner proposed by the board of trustees. The deed of the board of trustees, duly authorized by the board of trustees and duly acknowledged and recorded, shall be sufficient to convey to the purchaser all the rights, title, interest, and estate in the hospital property.

4. No sale, lease, or other transfer of such hospital property shall be authorized or effective unless such transaction provides sufficient proceeds to be available to be applied to the payment of all interest and principal of any outstanding valid indebtedness incurred for purchase of the site or construction of the hospital, or for any repairs, alterations, improvements, or additions thereto, or for operation of the hospital.

5. Assets donated to the hospital pursuant to section 96.210 shall be used to provide health care services in the city and in the geographic region previously served by the hospital, except as otherwise prescribed by the terms of the deed, gift, devise, or bequest.

Section B. Because of the need to ensure local hospitals can continue the purpose of providing the best care and treatment of the sick, disabled, and infirm persons as decided on by the people in the affected community, the enactment of section 96.229 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 96.229 of this act shall be in full force and effect upon its passage its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator LeVota offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 163, Page 2, Section 78.090, Line 23, by inserting immediately after said line the following:

“115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person’s election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established

political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships outside the city. Four members of the committee, two men and two women, shall be elected from the other townships outside the city] **members of the committee shall be elected from the districts of each state representative that are in any way contained in the county in the following manner: within six months after each legislative reapportionment, each portion of a legislative district contained in the county shall constitute a single committee district. Two men and two women shall be elected from each committee district formed from a legislative district that is wholly contained in the county as members of the committee, two men and two women shall be elected from each committee district formed from a legislative district that is predominantly contained in the county as members of the committee, and one man and one woman shall be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county as members of the committee.**

3. [In any city which has over three hundred thousand inhabitants, the major portion of which is located in a county with a charter form of government, for the portion of the city located within such county and notwithstanding section 82.110, it shall be the duty of the election authority, not later than six months after the decennial census has been reported to the President of the United States, to divide such cities into not less than twenty-four nor more than twenty-five wards after each decennial census. Wards shall be so divided that the number of inhabitants in any ward shall not exceed any other ward of the city and within the same county, by more than five percent, measured by the number of the inhabitants determined at the preceding decennial census.

4.] In each county of the first classification containing a portion, but not the major portion, of a city which has over three hundred thousand inhabitants, ten members of the committee, five men and five women, shall be elected from the district of each state representative wholly contained in the county in the following manner: within six months after each legislative reapportionment, the election authority shall divide each legislative district wholly contained in the county into five committee districts of contiguous territory as compact and as nearly equal in population as may be; two members of the committee, a man and a woman, shall be elected from each committee district. The election authority shall divide the area of the county located within legislative districts not wholly contained in the county into similar committee districts; two members of the committee, a man and a woman, shall be elected from each committee district.

[5.] **4.** In each city not situated in a county, two members of the committee, a man and a woman, shall be elected from each ward.

[6.] **5.** In all counties with a charter form of government and a population of over nine hundred thousand inhabitants, the county committee persons shall be elected from each township. Within ninety days after

August 28, 2002, and within six months after each decennial census has been reported to the President of the United States, the election authority shall divide the county into twenty-eight compact and contiguous townships containing populations as nearly equal in population to each other as is practical.

[7.] **6.** If any election authority has failed to adopt a reapportionment plan by the deadline set forth in this section, the county commission, sitting as a reapportionment commission, shall within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward, or precinct lines shall not affect the terms of office of incumbent party committee members elected from districts as constituted at the time of their election.”; and

Further amend the title and enacting clause accordingly.

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

Senator Keaveny offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend said bill, page 2, section 78.090, line 23, by inserting after all of said line the following:

“473.730. 1. Every county in this state, [and] **except** the city of St. Louis, shall elect a public administrator at the general election in the year 1880, and every four years thereafter, who shall be ex officio public guardian and conservator in and for the public administrator’s county. A candidate for public administrator shall be at least twenty-one years of age and a resident of the state of Missouri and the county in which he or she is a candidate for at least one year prior to the date of the general election for such office. The candidate shall also be a registered voter and shall be current in the payment of all personal and business taxes. Before entering on the duties of the public administrator’s office, the public administrator shall take the oath required by the constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand dollars, with two or more securities, approved by the court and conditioned that the public administrator will faithfully discharge all the duties of the public administrator’s office, which bond shall be given and oath of office taken on or before the first day of January following the public administrator’s election, and it shall be the duty of the judge of the court to require the public administrator to make a statement annually, under oath, of the amount of property in the public administrator’s hands or under the public administrator’s control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property; and such court may from time to time, as occasion shall require, demand additional security of such administrator, and, in default of giving the same within twenty days after such demand, may remove the administrator and appoint another.

2. The public administrator in all counties, in the performance of the duties required by chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are discretionary. The county shall defend and indemnify the public administrator against any alleged breach of duty, provided that any such alleged breach of duty arose out of an act or omission occurring within the scope of duty or employment.

3. After January 1, 2001, all salaried public administrators shall be considered county officials for purposes of section 50.333, subject to the minimum salary requirements set forth in section 473.742.

4. The public administrator for the city of St. Louis shall be appointed by a majority of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc. Such public administrator shall meet the same qualifications and requirements specified in subsection 1 of this

section for elected public administrators. The elected public administrator holding office on the effective date of this section shall continue to hold such office for the remainder of his or her term.

473.733. The public administrator's certificate of election, **if applicable**, official oath and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue upon the same in the name of the state for his own use.

473.737. 1. Each public administrator elected **or appointed**, as now or as hereafter provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county in which such administrator is elected [and for the city of St. Louis, if elected therein] **or appointed**. The county commissions of each county in this state shall make suitable provision for an office for the public administrator in the courthouse of the county if suitable space may be had for such an office, and shall be provided as soon as the county commission shall be of the opinion that the business in charge of the public administrator is such as to reasonably require a separate office for the convenience of the public. The public administrator of the city of St. Louis shall have suitable and convenient offices provided for him or her in the civil courts building by that city.

2. Each public administrator of a county, except a county of the first classification having a charter form of government, in which a state mental hospital is located, or any county of the second classification which contains a habilitation center operated by the department of mental health and which does not adjoin a county of the first classification shall be entitled to one secretary for one hundred cases or more handled by the office of the public administrator in the immediately preceding calendar year. Each secretary employed pursuant to the provisions of this subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel system. All compensation paid secretaries employed pursuant to the provisions of this subsection shall be paid out of the county treasury and the commissioner of administration shall annually reimburse each county for the compensation so paid upon proper demand being made out of appropriations made for that purpose. The public administrator in such counties may also appoint a person to act as public administrator to serve during the absence of the public administrator.

3. The governing bodies of each county and each city not within a county of this state may provide clerical personnel, not qualifying as status of deputy, for the public administrator of the county, and such personnel shall be provided when the governing body is of the opinion that the business in charge of the public administrator is such as to reasonably require such personnel for the welfare of the public.”; and

Further amend the title and enacting clause accordingly.

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

Senator Brown offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 163, Page 1, In the Title, Line 2, by striking the word “primary”; and

Further amend said bill, page 2, section 78.090, line 23 by inserting immediately after said line the following:

“190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other

emergency services, including emergency telephone services, which shall be collectively referred to herein as “emergency services”, and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

YES

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 ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The board shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial

members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years. **Notwithstanding any other provision of law, if there is no candidate for an open position on the board, then no election shall be held for that position and it shall be considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only one candidate for each open position, no election shall be held and the candidate or candidates shall assume office at the same time and in the same manner as if elected.**

11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the first classification with more than two hundred forty thousand three hundred but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone service 911 board appointed by the county under section 190.309 which is in existence on the date the voters approve a sales tax under this section shall continue to exist and shall have the powers set forth under section 190.339.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary, in any county of the second classification with more than fifty-four thousand two hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants that has approved a sales tax under this section, the county commission shall appoint the members of the board to administer the funds and oversee the provision of emergency services in the county.

(2) The board shall consist of seven members appointed without regard to political affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one of the following:

- (a) The head of any of the county's fire protection districts, or a designee;
- (b) The head of any of the county's ambulance districts, or a designee;
- (c) The county sheriff, or a designee;
- (d) The head of any of the police departments in the county, or a designee; and
- (e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this

chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Sater, **HB 163**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dempsey	Dixon	Emery	Holsman
Justus	Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla
McKenna	Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine
Sater	Schaaf	Schaefer	Schmitt	Sifton	Silvey	Wallingford	Walsh—32

NAYS—Senators—None

Absent—Senator Wasson—1

Absent with leave—Senator Rupp—1

Vacancies—None

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

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

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

Senator Pearce assumed the Chair.

HCS for HB 199, entitled:

An Act to repeal sections 115.003, 115.005, 115.007, 115.249, 115.259, 115.281, 115.299, 115.300, 115.383, 115.419, 115.423, 115.433, 115.436, 115.439, 115.449, 115.455, 115.456, and 115.493, RSMo, and to enact in lieu thereof eighteen new sections relating to elections.

Was taken up by Senator Lamping.

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

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 199, Page 10, Section 115.493, Line 3, by striking the word “twelve” and inserting in lieu thereof the following: “**twenty-two**”.

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

At the request of Senator Lamping, **HCS for HB 199**, as amended, was placed on the Informal Calendar.

HCS for HB 457, with **SCS**, was placed on the Informal Calendar.

HCS for HBs 303 and 304, with **SCS**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the new Mississippi River bridge, with a contingent effective date.

Was taken up by Senator Schmitt.

Senator Schaaf assumed the Chair.

SCS for HCS for HBs 303 and 304, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 303 and 304

An Act to repeal section 227.303, RSMo, and to enact in lieu thereof nine new sections relating to highway designations, with a contingent effective date for a certain section.

Was taken up.

Senator Schmitt moved that **SCS for HCS for HBs 303 and 304** be adopted.

Senator Chappelle-Nadal offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, Section 227.314, Line 5, by inserting immediately after “Clay” the following “, **Sr.**”.

Senator Chappelle-Nadal moved that the above amendment be adopted, which motion prevailed.

Senator Schmitt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, In the Title, Lines 3-4, by striking the following: “, with a contingent effective date for a certain

section”; and

Further amend said bill, page 2, section 227.421, line 1, by inserting immediately after “The” the following: “**Missouri portion of the**”; and

Further amend said bill, page 3, section B, lines 1-4, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

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

Senator Lager offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 303 and 304, Page 1, In the Title, Line 3, by striking the following: “highway designations” and inserting in lieu thereof the following: “transportation”; and

Further amend said bill, page 3, section 227.519, line 6, by inserting after all of said line the following:

“Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Taney County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract One

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SE¹/₄ of the NW¹/₄ and also of the NE¹/₄ of SW¹/₄ and also of the NW¹/₄ of SE¹/₄ and also of the SW¹/₄ of SE¹/₄ and also of the SE¹/₄ of SW¹/₄ all in Sec. 6, and also the NE¹/₄ of NW¹/₄ and also of the NW¹/₄ of NE¹/₄ in Sec. 7, all in T21N, R21W lying within a strip of land 80 feet wide, except as noted, 40 feet thereof, except as noted, being on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 720 feet east of the north west corner of the SE¹/₄ of NW¹/₄ of Sec. 6, T21N, R21W; thence south easterly on a curve to the right with 1146.3 feet radius, the tangent to which bears S 31°56'E, 243 feet; thence S 19°47'E a distance of 391 feet; thence continuing S 19°47'E with 40 feet on the right side and 55 feet on the left side of the said center line, a distance of 200 feet; thence continuing S 19°47'E with 40 feet on each side of the said center line, a distance of 240 feet; thence continuing S 19°47'E with 60 feet on the right side of and 40 feet on the left side of the said center line, a distance of 110 feet; thence continuing S 19°47'E with 40 feet on both sides of the center line, a distance of 1405.4 feet; thence on a curve to the right with 819 feet radius, a distance of 534.8 feet; thence S 17°39'W a distance of 683.5 feet; thence on a curve to the left with 637.8 feet radius, a distance of 421.1 feet; thence S 20°15'E a distance of 560.3 feet; thence on a curve to the left with 955.4 feet radius, a distance of 366.7 feet; thence S 42°15'E with 40 feet on the right side of and 60 feet on the left side of the said center line, a distance of 118.3 feet; thence S 42°15'E with 40 feet on each side of the said center line, a distance of 230 feet, to the south line of and 270 feet more or less east of the south west corner of the said NW¹/₄ of NE¹/₄ of Sec. 7.

Containing right of way old 4.60 acres, more or less

new 5.68 ” ”
total 10.28 ” ”

Tract Two

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¹/₄ of NE¹/₄ of Sec. 7, T21N, R21W lying on the west side of the present road and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW¹/₄ of NE¹/₄ of Sec. 7, T21N, R21W; thence S 42° 15'E a distance of 245 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 48.8 feet; thence on a curve to the right with 716.8 feet radius and continuing 40 feet on the right side of and 55 feet on the left side of the said center line, a distance of 76.2 feet; thence continuing on the same curve with 40 feet on both sides of the said center line, a distance of 250 feet to the property line between W.R. Carey and C.N. McElfresh, being approximately 540 feet south of and 570 feet east of the north west corner of the said SW¹/₄ of NE¹/₄ of Sec. 7.

Containing right of way old 0.16 acres, more or less

new 0.03 ” ”
total 0.21 ” ”

Tract Three

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¹/₄ of NE¹/₄ of Sec. 7, T21N, R21W lying on the east side of the present road, and included within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured from a surveyed center line, which is described as follows:

Beginning on the north line of and 270 feet east of the north west corner of the SW¹/₄ of NE¹/₄ of Sec. 7, T21N, R21W; thence S 42°15'E a distance of 245 feet; thence continuing S 42°15'E with 40 feet on the right side of and 55 feet on the left side of the said center line a distance of 25 feet to a point on the property line between V.T. Jones and C.N. McElfresh, being about 210 feet south of and 420 feet east of the northwest corner of the said SW¹/₄ of NE¹/₄ of Sec. 7.

Containing right of way old 0.09 acres, more or less

new 0.30 ” ”
total 0.39 ” ”

Tract Four

Right of way for a Federal road 80 feet wide, except as noted.

That part of the SW¹/₄ of NE¹/₄ of Sec. 7, T21N, R21W lying within a tract of land 80 feet wide, except as noted, 40 feet of which, except as noted, is on each side of, parallel to and measured

from a surveyed center line. Said tract is bounded and described as follows:

Beginning 210 feet south of and 420 feet east of the north west corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T21N, R21W at survey station 1133+00; thence N 55°30'E on the property line between C.N. McElfresh and V.T. Jones, a distance of 57 feet; thence S 42°15'E a distance of 23.8 feet; thence on a curve to the right with 771.8 feet radius, parallel to and 55 feet from the said center line, a distance of 95 feet; thence S 53°51'W a distance of 15 feet; thence south eastward on a curve to the right with 756.8 feet radius, the tangent to which bears S 36°09'E a distance of 550 feet; thence S 6°08'W a distance of 171.4 feet; thence S 83°52'E a distance of 10 feet; thence S 6°08'W a distance of 250 feet; thence N 83°52'W a distance of 10 feet; thence S 6°08'W a distance of 100 feet, more or less to the south line of the said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west on said south line a distance of 82 feet; thence N 6°08'E parallel to and 40 feet from the said center line, a distance of 530 feet; thence on a curve to the left with 676.8 feet radius, a distance of 260 feet, to the property line between C.N. McElfresh and W.R. Cary; thence eastward on said property line, a distance of 37 feet to the center of the present road; thence north westerly along said present road a distance of 360 feet; thence N 55°30'E a distance of 25 feet more or less to the beginning place.

Containing right of way old 0.66 acres, more or less

new 1.45 "	"
total 2.11 "	"

Tract Five

Right of way for Federal road 80 feet wide, except as noted.

That part of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and also of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, all in T21N, R21W lying within tracts of land 80 feet wide, except as noted, 40 feet of which, except as noted is on each side of, parallel to and measured from a surveyed center line which is described as follows:

(1) Beginning on the north line of and 470 feet east of the north west corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T21N, R21W; thence S 6°08'W with 40 feet on both sides of the said center line, a distance of 512.1 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 418.7 feet; thence S 10°37'E a distance of 70 feet; thence continuing S 10°37'E with 40 feet on the right side of and 50 feet on the left side of the said center line, a distance of 150 feet; thence continuing S 10°37'E with 40 feet on each side of the said center line, a distance of 150 feet, to the south line of and 956 feet west of the south east corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7

Containing right of way old 1.00 acres, more or less

new 1.42 "	"
total 2.42 "	"

(2) Beginning on the west line of and 460 feet south of the north west corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18, T21N, R21W; thence S 44°10'E a distance of 155.9 feet; thence on a curve to the left with 1432.7 feet radius, a distance of 517.5 feet; thence S 64°52'E a distance of 166.9 feet; thence on a curve to the right with 637.3 feet radius, a distance of 414.7 feet, to the south line of and 890 feet east of the south west corner of the said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 18.

Containing right of way old 0.14 acres, more or less

new 2.13 ” ”

total 2.27 ” ”

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 2. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in St. Clair County, Appleton City, to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

All of Lots Nine (9), ten (10), eleven (11), twelve (12), Thirteen (13), Fourteen (14), fifteen (15) and Sixteen (16), Block two (2); also Lots three (3), four (4), five (5), six (6), seven (7), eight (8), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16) and seventeen (17), Block three (3), Grantley’s Addition to Appleton City, Missouri.

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 3. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in real property located in Osage County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

A strip of land 95 ft. wide being 40 ft. wide on the left or north side of, and 55 ft. wide on the right or south side of, parallel to and adjoining the centerline of State Highway Route U.S. 50, leading from Kansas City to St. Louis, Missouri beginning at the west property line of said first party or Sta. 503+50 and continuing to Sta. 512+00, a distance of 830.8 ft. thence widening to a strip of land 100 ft. wide being 45 ft. wide on the left or north side of and 55 ft. wide on the right or south side of said centerline from Sta. 512+00 to Sta. 516+00, a distance of 400 ft. thence narrowing to a strip of land 80 ft. wide being 40 ft. wide on each side of said centerline from Sta. 516+00 to the south property line of said first party or Sta. 520+00 being a distance of 400 ft., also a strip of land 50 ft. wide for connection of said highway and the present road, said strip of land extending a distance of 75 ft. more or less in an easterly direction from said left or north right-of-way line at or near Sta. 520+ and as shown on the plans for said highway, as surveyed, located and platted by the State Highway Department thru the S.½ of N.W.¼ of Sec. 7 T 43 N-R 8 W; as shown by a plat of said survey now on file with the Clerk of the County Court of Osage County, Missouri.

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all in Madison County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Beginning at a point 114.7 feet south 82 1/2° east of the southwest corner of U.S.P.S. 350, Township 33 north, Range 7 east, and on the centerline of the survey made by the State Highway Commission for Route 67, Madison County, and shown on the plan thereof – a copy of which is on file with the Clerk of the County Court of Madison County – the said point being known as Station 250+74 and on the arc of a 0° 30' curve to the right; the tangent of which bears north 0° 18' east at this point, thence along the said arc 2041.6 feet thence north 10° 30' east, 1458.4 feet to a point on the said centerline known as Station 215+74 and there terminating.

A strip of land lying on each side of, and adjacent to the above described centerline as follows:

Station to Station	Distance	Width Right (East)	Width Left (West)
250+74 235+00	1574 Feet	50 Feet	
235+00 230+00	500 "	65 "	50 Feet
230+00 228+80	120 "	80 "	50 "
228+80 224+50	430 "	80 "	80 "
224+50 224+00	50 "	80 "	50 "
224+00 215+74	826 "	50 "	50 "

and all of U.S.P.S. 350 lying west of the said centerline from Station 250+74 to Station 235+00.

Also strips of land 10 feet wide lying on each side of and adjacent to the above described right-of-way being on the right (east) side from Station 224+00 to Station 217+00 and on the left (west) side from Station 220+50 to Station 218+00, upon which the parties of the first part grant, convey and warrant for themselves, and their heirs, successors and assigns, unto the State, its agents, successors or assigns, the right, easement and privilege to construct and maintain on the land described in this paragraph all such extensions of any slopes from roadbed cuts or fills which may be necessary to taper out such slopes; only the above rights in, and not the fee title to, such land is hereby conveyed, and the grantors shall have the unrestricted right to fence, use and control such land in any way they desire, so long as the same does not interfere with the rights hereby granted.

Also 0.20 acre being a tract or parcel of land lying on the right (east) side of and adjacent to the right-of-way described above being 70 feet wide from Station 226+50 to Station 225+25, upon which the party of the second part is granted only the right to enter for the purpose of constructing and opening a channel and using the excavation therefrom in grading the State Highway. The said party of the second part is also granted the right to enter upon the said land of the parties of the first part as often as may be necessary for the purpose of maintaining and keeping open the said channel, the parties of the first part or their successors otherwise

to have the free, uninterrupted and absolute use of said land.

All lying in U.S.P.S. 350, Township 33 north, Range 7 east of the 5th P.M. in Madison County, Missouri and containing 10.15 acres.

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Greene County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Right of way for State Highway Route 60.

That part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, Twp. 28N, R23W, south and east of the Frisco Railroad right of way and southwest of State Highway Route M, being in a tract of land 172 feet wide, except as noted, 57 feet of which, except as noted, is on the left or northwesterly side, and 115 feet, except as noted, on the right or southeasterly side of, adjacent to, parallel with and measured from the surveyed center line of the survey of the Missouri State Highway Department for said Route 60, which surveyed center line is described as follows:

1. Beginning at a point approximately 47 feet south and 16 feet east of the southwest corner of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, at survey station 178+50, thence N 56°14'E 1635 feet to station 194+85, which station is approximately 462 feet south and 30 feet east of the northeast corner of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10.

Containing 5.74 acres, more or less, new right of way.

2. Also beginning on the left side of item 1, opposite station 191+28.3, thence N 4°02'E 255 feet, thence S 85°43'W approximately 77.5 feet to the southeasterly boundary of the railroad right of way, thence in a southwesterly direction with said boundary to the south side of the said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Sec. 10, thence east approximately 20 feet to item 1, thence N 56°14'E with item 1, 1375 feet to the point of beginning.

Containing 3.04 acres, more or less, new right of way.

3. Also a tract beginning on the left side of item 1, opposite station 193+28.3, thence northerly to the southwesterly right of way boundary of said Route M as it is now located and established, 30 feet from and opposite station 3+98.7 of said route, thence southeasterly with Route M to the east boundary of the property, thence south with said east property boundary to item 1, thence southwesterly with item 1 to the point of beginning.

Containing 0.28 acre, more or less, new right of way.

4. Also a tract beginning on the right side of item 1, opposite station 193+28.3, thence easterly approximately 35 feet to the east property boundary, thence north approximately 26 feet to item 1, thence southwesterly with item 1 approximately 40 feet to the point of beginning.

Containing 0.01 acre, more or less, new right of way.

Items 1, 2, 3 and 4 contain a total of 9.07 acres, more or less, new right of way.

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 6. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Andrew County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 195+98, said point also being two hundred thirty-five (235) feet north of the northeast corner of the southeast quarter of the southwest quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence south fifty (50) feet, thence northeasterly on a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet, and extending two hundred twenty-eight (228) feet, thence north 47 ° 19' east one thousand twenty-nine and two tenths (1029.2) feet, thence easterly on a curve having a radius of one thousand one hundred six and twenty-eight hundredths (1106.28) feet, and extending eight hundred forty-eight and sixty-seven hundredths (848.67) feet, thence easterly twenty-five and thirteen hundredths (25.13) feet, thence north forty (40) feet, thence west three hundred fifty (350) feet, thence southwesterly on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet, and extending two hundred seventy (270) feet, thence northwesterly five (5) feet, thence southeasterly on a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending two hundred ninety (290) feet, thence south 47 ° 19' west a distance of forty-five (45) feet, thence southeasterly five (5) feet, thence south 47 ° 19' west four hundred eighty (480) feet, thence westerly twenty-four (24) feet thence south fifteen (15) feet, thence easterly ten (10) feet, thence south 47 ° 19' west a distance of four hundred fifty-three (453) feet thence southwesterly on a curve having a radius of one thousand one hundred six and twenty-eight hundredths (1106.28) feet a distance of one-hundred seventy (170) feet, thence south fifty (50) feet to the point of beginning.

Said parcel of land being in and a part of the north one-half of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising three and ninety hundredths (3.90) acres.

Tract 2

A parcel of land bounded by a line beginning at a point on the centerline of the surveyed State highway at Station 217+00, said point being eight hundred ninety-seven and forty-nine hundredths (897.49) feet west of the quarter section corner east side of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, thence west three hundred fifty (350) feet to the north right of way line of the surveyed State highway, thence northeasterly

along the said north right of way line on a curve having a radius of one thousand one hundred eighty-six and twenty-eight hundredths (1186.28) feet and extending three hundred twenty-eight (328) feet, thence east twenty-five (25) feet, thence south forty (40) feet to the point of beginning.

Said parcel of land being in and a part of the southeast quarter of the northeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west and comprising sixteen hundredths (0.16) of an acre.

Tract 3

That part of the northeast quarter of Section thirty-four (34), Township sixty-one (61) north, Range thirty-five (35) west and being more particularly described as follows: Bounded by a line beginning at a point, said point being one thousand two hundred twenty-two (1222) feet east of the quarter section corner center of said Section thirty-four (34), thence north three hundred seventy (370) feet, to the south bank of 102 River, thence easterly along the south bank of said River forty (40) feet, thence south $17^{\circ}30'$ east three hundred fifty (350) feet, thence west one hundred forty (140) feet to the point of beginning and comprising fifty-nine hundredths (0.59) of an acre.

Tract 4

That part of the southeast quarter of Section thirty-five (35), Township sixty-one (61) north, Range thirty-five (35) west, more particularly described as

Tract #1, being bounded by a line beginning at a point on the centerline of State Highway Route 48 at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the northeast corner of the southeast quarter of said Section thirty-five (35), thence west fifty-four and five tenths (54.5) feet to this westerly right of way line of said State Highway Route 48, thence south $47^{\circ}11'$ west along said westerly right of way line three hundred (300) feet, thence northeasterly to the right on the arc of a curve having a radius of one thousand one hundred ninety-one and twenty-eight hundredths (1191.28) feet, and extending a distance of one hundred eighty (180) feet, thence southeasterly and at right angles a distance of five (5) feet, thence northeasterly to right on the arc of a curve having a radius of one thousand one hundred eight-six and twenty-eight hundredths (1186.28) feet and extending a distance of two hundred seventy (270) feet to a point on the north line of the southeast quarter of said Section thirty-five (35), thence west to said point of beginning. Said tract is for right of way and contains thirty-three hundredths (0.33) of an acre.

Tract 5

That part of the northeast quarter of Section thirty-five (35), Township sixty-one (61), Range thirty-five (35) west, found by

Starting at a point on the centerline of State Highway Route 48, at Station 212+71.2, which is approximately one thousand three hundred fifty-seven and six tenths (1357.6) feet west of the southeast corner of the northeast quarter of said section thirty-five (35), thence following said centerline north $47^{\circ}11'$ east one thousand twenty-eight and seven tenths (1028.7) feet to Station 222+99.9, a P.C., thence northerly to the left on the arc of a $5^{\circ}00'$ curve seven hundred sixty-two (762) feet to Station 250+61.9, a P.T., thence north $9^{\circ}05'$ east one thousand two hundred

ninety-seven and one tenth (1297.1) feet to Station 245+59, which is on defendants' north property line, and is approximately forty (40) feet west of the northeast corner of said Section thirty-five (35).

Tract #1, being all of defendants' land lying within forty (40) feet to each side of the above described centerline from said Station 212+71.2 to Station 219+00, thence continuing with sixty (60) feet to left and widening uniformly to fifty (50) feet to right of said centerline at Station 220+00, thence continuing with sixty (60) feet to left and fifty (50) feet to right of said centerline to Station 220+50, thence continuing with forty (40) feet to left and narrowing uniformly to forty (40) feet to right of said centerline at Station 221+50, thence continuing with forty (40) feet to each side of said centerline to said Station 245+59, Said tract is for right of way and contains five and seventy-seven hundredths (5.77) acres.

Tract #2, being thirty (30) feet wide by one hundred (100) feet long to left of the above described right of way (or Tract #1) from opposite Station 235+00 to opposite Station 254+00, at an angle of 90° from said centerline. Said tract contains seven hundredths (0.07) of an acre, and is for changing the channel of a stream and providing for drainage ditches necessary for the proper construction and maintenance of said State Highway. Plaintiff only seeks the right to enter upon said tract of land for the purpose of constructing and opening said drainage ditches and channel change, using the excavation therefrom in grading said highway and for filling portions of the old channel; also the right to enter upon said parcel of land when necessary to maintain and keep open said ditches; the defendants, their successors or assigns to otherwise have the free, uninterrupted and absolute use of said Tract #2.

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

3. The attorney general shall approve the form of the instrument of conveyance.

Section 7. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release and forever quitclaim all interest of the state of Missouri in real property located in Ozark County to the state highways and transportation commission. The property to be conveyed is more particularly described as follows:

Tract 1

All that part of the following tract:

Northwest quarter of the southeast quarter (NW¹/₄ SE¹/₄)

Of Section 15, Township 22 North, Range 16 West

Which lies within a distance of 40 feet on each side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.

Said centerline being described as follows:

Beginning at a point on the west boundary of said tract, distant 650 feet, more or less, north

of the southwest corner thereof, at or near Station 201+60; thence run north 49° 14' east, 526.9 feet; thence deflect to the right on a 4° curve, (delta angle 40° 22') 1009.2 feet; thence on tangent to said curve north 89° 36' east, 18.9 feet, more or less, to a point on the east boundary of said tract, distant 5 feet, more or less, south of the northeast corner thereof, and there terminating at or near Station 217+15.

Containing 2.86 acres, more or less.

2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:

Left: Station 202+01 to 202+27, 26 feet long by 30 feet wide on a 40° skew to the right

3. Also all that part of said tract lying northerly of the above described strip, and easterly of a line described as follows:

Beginning at a point on the left or northerly line of said above described strip, opposite Station 211+00; thence run northwesterly normal to said centerline to its intersection with the northerly boundary of said tract, and there terminating.

Item 2 has an area of 0.02 acre, more or less, and is for the purpose of a ditch outlet, to which the State Highway Department only seeks the right to enter upon land of said owners for the purpose of constructing and opening said ditch, using excavation therefrom in grading said highway, and entering upon the said parcel of land as often as may be necessary to maintain and keep open said ditch; providing the owners shall otherwise have the free, absolute and uninterrupted use of said land.

Item 3 has an area of 0.29 acre, more or less, and is for the purpose of permanent right of way.

Tract 2

All that part of the following tract:

South half of the northeast quarter (S¹/₂ NE¹/₄)

Of Section 15, Township 22 North, Range 16 West

Which lies within a distance of 40 feet on the northerly side of the centerline of State highway designated as Route SC, leading from Route 5, west of Gainesville, westerly to the Ozark-Taney County line, as the same was located, surveyed and platted by the State Highway Department, as shown on plans duly approved by the State Highway Commission, a copy of which is now on file with the Clerk of the County Court in and for Ozark County.

Said centerline being described as follows:

Beginning at a point distant 38 feet, more or less, south and 330 feet, more or less, west of the southeast corner of the southwest quarter of the northeast quarter of said Section 15, at or near Station 213+80; thence from a tangent bearing north 76° 58' east, deflect to the right on a 4° curve, 316.1 feet; thence on tangent to said curve north 89° 36' east, 1368.9 feet, more or less, to a point on the extended east boundary of the southeast quarter of the northeast quarter of said Section 15, distant 10 feet, more or less, south of the southeast corner thereof, and there terminating at or near Station 230+65

**Containing 0.25 acre, more or less, new right of way
and 0.99 acre, more or less, old right of way**

(There is excepted from the above described strip, a strip of land 10 feet in width, lying adjacent to and southerly of the northerly line of said strip, and extending from Station 227+00 to the east boundary of the property).

2. Also the following parcel of land adjoining the above described right of way tract, extending between the stations indicated to the widths shown below:

Left: Station 222+50 to 225+50, 300 feet long by 5 feet wide

Item 2 has an area of 0.03 acre, more or less, and is for the purpose of permanent right of way.

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

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

Further amend the title and enacting clause accordingly.

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

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

Senator Schmitt moved that **SCS** for **HCS** for **HBs 303** and **304**, as amended, be adopted, which motion prevailed.

On motion of Senator Schmitt, **SCS** for **HCS** for **HBs 303** and **304**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Brown	Chappelle-Nadal	Cunningham	Dempsey	Dixon	Emery	Holsman	Justus
Keaveny	Kehoe	Kraus	Lager	Lamping	LeVota	Libla	McKenna
Munzlinger	Nasheed	Nieves	Parson	Pearce	Richard	Romine	Sater
Schaaf	Schaefer	Schmitt	Sifton	Wallingford	Walsh	Wasson—31	

NAYS—Senators—None

Absent—Senators

Curls Silvey—2

Absent with leave—Senator Rupp—1

Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

SB 401 was placed on the Informal Calendar.

At the request of Senator Holsman, **SB 396**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 378**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 410** was placed on the Informal Calendar.

At the request of Senator Keaveny, **SB 133**, with **SCS**, was placed on the Informal Calendar.

SB 210, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nieves, **SB 455**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sater, **SB 167**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Parson, **SB 343** was placed on the Informal Calendar.

SB 250, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 175** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 285** was placed on the Informal Calendar.

At the request of Senator Romine, **SB 339** was placed on the Informal Calendar.

At the request of Senator Parson, **SB 174**, with **SCS**, was placed on the Informal Calendar.

SB 441 was placed on the Informal Calendar.

At the request of Senator Lager, **SJR 2** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 315** was placed on the Informal Calendar.

At the request of Senator Lager, **SB 419**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kehoe, **SB 411**, with **SCS**, was placed on the Informal Calendar.

SB 141 was placed on the Informal Calendar.

SB 403, with **SCS**, was placed on the Informal Calendar.

SB 308 was placed on the Informal Calendar.

At the request of Senator Wallingford, **SB 383** was placed on the Informal Calendar.

At the request of Senator Pearce, **SB 437**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Nasheed, **SB 423** was placed on the Informal Calendar.

At the request of Senator Munzlinger, **SB 371**, with **SCS**, was placed on the Informal Calendar.

SB 53 was placed on the Informal Calendar.

At the request of Senator Dixon, **SB 377** was placed on the Informal Calendar.

At the request of Senator Schmitt, **SB 448** was placed on the Informal Calendar.

At the request of Senator Brown, **SB 109**, with **SCS**, was placed on the Informal Calendar.

SB 259, with **SCS**, was placed on the Informal Calendar.

Senator Pearce moved that **SB 437**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 437**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 437

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof nine new sections relating to higher education.

Was taken up.

Senator Pearce moved that **SCS** for **SB 437** be adopted.

Senator Pearce offered **SS** for **SCS** for **SB 437**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 437

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof eleven new sections relating to higher education.

Senator Pearce moved that **SS** for **SCS** for **SB 437** be adopted.

Senator Kehoe assumed the Chair.

At the request of Senator Pearce, **SB 437**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Lamping offered Senate Resolution No. 782, regarding Don Dallas, Overland, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Brown introduced to the Senate, Superintendent Sherry Heavin, Edgar Springs School District.

Senator Holsman introduced to the Senate, the Physician of the Day, Dr. Margaret Nickell, Kansas City.

Senator Walsh introduced to the Senate, Cal Rudsinski and twenty-five fourth grade students from Grace Chapel Lutheran School, Bellefontaine Neighbors.

Senator Richard introduced to the Senate, Brandi Bogle, Tim Crawley, Nina Eads, Gib Garrow, Blake Heirholzer, Tressia Kelly, Casey Owens, Melissa Patterson, Jason Poe, Angela Thomas and Jared Vandsandt, representatives of Leadership Neosho.

Senator Lamping introduced to the Senate, Joan Patton and thirty-one eighth grade students from Christ Prince of Peace School, St. Louis.

Senator Schaaf introduced to the Senate, Kris Larson and AP Government Class students from Central High School, St. Joseph.

On behalf of Senator Dixon, the President introduced to the Senate, Tammy Ames and thirteen eighth

grade students from St. Joseph Catholic Academy, Springfield.

Senator Dixon introduced to the Senate, Fire Chief David Hall, Springfield.

Senator Pearce introduced to the Senate, Drew Mreen and Taiylor Llewellyn.

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

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 24, 2013

FORMAL CALENDAR

VETOED BILLS

HCS for SCS for SB 182-Kehoe, et al

THIRD READING OF SENATE BILLS

SCS for SBs 317 & 319-Romine

SS for SCS for SB 432-Cunningham

HOUSE BILLS ON THIRD READING

HB 34-Guernsey (Brown) (In Fiscal Oversight)

HCS for HB 473 (Lager) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 3-Rupp, with SA 1 (pending)

SB 13-Schaefer, with SCS

SB 21-Dixon

SB 22-Dixon

SB 48-Lamping

SB 53-Lamping

SB 61-Keaveny, with SCA 1 (pending)

SB 65-Dixon, with SCS

SB 82-Schaefer, with SCS

SB 109-Brown, with SCS

SB 133-Keaveny and Holsman, with SCS

SB 141-Dempsey

SB 167-Sater and Wallingford, with SCS

SB 174-Parson, with SCS

SB 175-Wallingford

SB 207-Kehoe, et al, with SCS

SB 210-Lamping and Nieves, with SCS	SB 378-Pearce, with SCS
SB 231-Munzlinger, with SA 1 (pending)	SB 383-Wallingford
SB 239-Emery, with SCS & SA 2 (pending)	SB 396-Holsman and Chappelle-Nadal, with SCS
SB 250-Schaaf, with SCS	SB 401-Rupp
SB 259-Schaaf, with SCS	SB 403-Rupp, with SCS
SB 272-Nieves, with SA 2 (pending)	SB 410-Kehoe
SB 285-Romine	SB 411-Kehoe, with SCS
SB 291-Rupp	SB 419-Lager, with SCS
SB 292-Rupp	SB 423-Nasheed
SB 308-Schaaf	SB 437-Pearce, with SCS & SS for SCS (pending)
SB 315-Pearce	SB 441-Dempsey
SB 339-Romine	SB 448-Schmitt and Keaveny
SB 343-Parson	SB 455-Nieves, with SCS
SB 364-Parson	SJR 2-Lager
SB 371-Munzlinger, with SCS	
SB 377-Dixon	

HOUSE BILLS ON THIRD READING

HB 53-Gatschenberger (Rupp)	HCS for HB 199 (Lamping)
HB 55-Flanigan and Allen, with SCS (Schaefer)	HCS for HB 457, with SCS (Rupp)
HB 112-Burlison (Brown)	

CONSENT CALENDAR

House Bills

Reported 4/15

HB 673-Schatz (Kehoe)	HB 498-Jones (50), et al, with SCS (Sifton)
HB 212-Cox, et al (Keaveny)	HCS for HB 159 (Kraus)
HCS for HB 235 (Parson)	HCS for HB 233, with SCS (Lamping)

✓