

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—TUESDAY, FEBRUARY 15, 2000

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Reverend Carl Gauck offered the following prayer:

Gracious and Heavenly Father, we pray this day for Your presence with us and the work we have to do this day. And we would ask Your special presence with the family of former Senator John Dennis who died yesterday at the age of 82. Remember him in Your mercy and Your love, O Lord. Provide strength and comfort to his family with the memory of Your goodness. And may Your light shine on those here who knew Senator Dennis and will miss him. These things we ask in Your Holy Name. 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 DePasco announced that photographers from KRCG-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent with leave—Senators
Mueller Scott—2
Vacancies—1

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1215, regarding Ann Schroepel, Springfield, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1216

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 5, 2000 and until 1:00 p.m. on October 6, 2000.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 1018—By Bentley.

An Act to authorize the conveyance of property owned by Southwest Missouri State University to the city of Springfield.

The Senate stood in a moment of silent prayer in memory of former Senator John Dennis.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 743**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 743, Page 2, Section 135.095, Line 22, by striking “section 135.020” and inserting in lieu thereof the following: “**this section**”.

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 816**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 727**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization to which was referred **SB 740**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SB 810, introduced by Senator Goode, entitled:

An Act to repeal section 208.480, RSMo Supp. 1999, relating to federal reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 810** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Singleton—1

Absent—Senator Ehlmann—1

Absent with leave—Senators

Mueller Scott—2

Vacancies—1

The President declared the bill passed.

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

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

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

SB 616, introduced by Senator Johnson, entitled:

An Act to repeal sections 70.605, 70.661, 70.680 and 70.685, RSMo 1994, and sections 70.655 and 70.675, RSMo Supp. 1999, relating to local government employees' retirement system, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 616** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Goode	House—2
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Absent with leave—Senators

Mueller	Scott—2
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Vacancies—1

The President declared the bill passed.

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

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

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

SB 724, introduced by Senator Rohrbach, entitled:

An Act to repeal section 67.1003, RSMo Supp. 1999, relating to tourism taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 724** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bentley	Graves	Kinder	Schneider—4
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Absent with leave—Senators

Mueller	Scott—2
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Vacancies—1

The President declared the bill passed.

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

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

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

Senator Johnson assumed the Chair.

SB 734, introduced by Senator Stoll, entitled:

An Act to repeal section 294.011, RSMo Supp. 1999, relating to the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 734** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Bentley Staples—2

Absent with leave—Senators

Mueller Scott—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bentley Goode Schneider Staples—4

Absent with leave—Senators

Mueller Scott—2

Vacancies—1

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

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

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

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SJR 47**, with **SCS, SS** for **SCS, SA 1, SSA 1** for **SA 1** and **SA 3** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 to **SSA 1** for **SA 1** was again taken up.

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

Senator Childers offered **SA 4** to **SSA 1** for **SA 1**, which was read:

**SENATE AMENDMENT NO. 4 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 2, Section 18(f), Line 14, by deleting lines 14 through 23 and inserting in lieu thereof the following:

“Section 18. (f). Three-fourths of all monies received by the State of Missouri which are the proceeds of any award or settlement resulting from a final order in any dispute between the State of Missouri and any company which manufacturers, sells, or promotes tobacco or tobacco products shall be permanently deposited into the Missouri Tobacco Settlement Trust Fund and shall not be included in “total state revenues” as defined in Section 17 of this Article. One-fourth the proceeds of such tobacco settlement and the income earned from the permanent trust fund derived from the tobacco proceeds received in any fiscal year shall be subject to appropriation by the General Assembly for the following purposes only:”.

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Rohrbach, Sims and Steelman.

Senator Mathewson assumed the Chair.

SA 4 to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Jacob
Russell	Sims	Westfall—7	

NAYS—Senators

Bland	Caskey	DePasco	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Schneider	Singleton	Steelman	Stoll
Wiggins	Yeckel—22		

Absent—Senators

Clay	Staples—2
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Absent with leave—Senators

Mueller	Scott—2
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Vacancies—1

Senator Jacob offered **SA 5** to **SSA 1** for **SA 1**:

**SENATE AMENDMENT NO. 5 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Joint Resolution No. 47, Page 3, Section 18(f), Lines 5-6 of said page, by striking the following: “upon two-thirds vote of the members elected to each house,”; and further amend line 7 of said page, by inserting immediately after said line the following:

“Notwithstanding any other provisions of law to the contrary, nothing in this section shall prohibit the general assembly from authorizing the sale of future interest in any settlement proceeds for current valuation. In the event of such authorization, the state treasurer may invest any resulting proceeds as they determine to be reasonably prudent. Subject to the percentages set forth in this section, the general assembly may further limit the appropriation of the moneys in the fund to the earnings resulting from such investment.”.

Senator Jacob moved that the above amendment be adopted.

Senator Clay assumed the Chair.

At the request of Senator Quick, **SJR 47**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 5** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Goode offered Senate Resolution No. 1217, regarding the One Hundredth Birthday of Reverend Willie McClain, St. Louis, which was adopted.

On motion of Senator DePasco, the Senate recessed until 3:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 867** and **SB 552**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 867** and **552**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503 and 135.516, RSMo Supp. 1999, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 867** and **552** be adopted.

Senator Mathewson requested unanimous consent of the Senate that the Committee on Local Government and Economic Development be allowed to meet while the Senate is in session, which request was granted.

Senator Maxwell offered **SS** for **SCS** for **SBs 867** and **552**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 867 and 552

An Act to repeal sections 135.500, 135.503

and 135.516, RSMo Supp. 1999, relating to tax credit programs administered by the department of economic development, and to enact in lieu thereof three new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **SBs 867** and **552** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 18, Section 135.516, Line 17 of said page, by inserting after all of said line the following:

"620.1730. Sections 620.1730 to 620.1787 shall be known and cited as the "Missouri Business and Industrial Development Companies Act" or "Missouri BIDCO Act".

620.1733. As used in sections 620.1730 to 620.1787, the following terms mean:

(1) "Affiliate of a BIDCO":

(a) Any person, directly or indirectly owning, controlling or holding power to vote fifteen percent or more of the outstanding voting securities or other ownership interests of the Missouri business and industrial development company;

(b) Any person fifteen percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled, or held with power to vote by the Missouri business and industrial development company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri business and industrial development company;

(d) A partnership in which the Missouri business and industrial development company is a general partner;

(e) Any person who is an officer, director, or agent of the Missouri business and industrial development company or an immediate family member of such officer, director, or agent;

(2) "BIDCO", a business and industrial

development company licensed under this act;

(3) "Business firm", a person that transacts business on a regular and continual basis, or a person that proposes to transact business on a regular and continual basis;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(6) "Entity", a general partnership, a limited partnership, a corporation, including a not-for-profit corporation, or limited liability company;

(7) "License", a license issued under this act authorizing a Missouri entity to transact business as a BIDCO;

(8) "Licensee", a Missouri entity which is licensed under this act;

(9) "Person", an individual, proprietorship, joint venture, partnership, limited liability company, trust, business trust, syndicate, association, joint stock company, corporation, cooperative, government, agency of a government, or any other organization;

(10) "This act", includes an order issued or rules promulgated under this act.

620.1736. 1. The director shall administer this act. The director may issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce, and effectuate the purposes of this act. Any rules promulgated shall be promulgated in accordance with the administrative procedure and review act contained in chapter 536, RSMo.

2. Whenever the director issues an order or license under this act, the director may impose conditions that are necessary, in the opinion of the director, to carry out this act and the purposes of this act.

3. The director may honor applications from interested persons for declaratory rulings regarding any provision of this act.

4. Every final order, decision, license, or other official act of the director under this act is subject to judicial review in accordance with law.

5. An application filed with the director under this act shall be in such a form and contain such information as the director may require.

620.1739. 1. The director may make public or private investigations within or outside this state that the director considers necessary to determine whether to approve an application filed with the director under this act, to determine whether a person has violated or is about to violate this act, to aid in the enforcement of this act, or to aid in issuing an order or promulgating a rule under this act.

2. For purposes of an investigation, examination, or other proceeding under this act, the director may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of books, papers, correspondence, memoranda, agreements, or other documents or records which the director considers relevant or material to the proceeding.

3. If a person fails to comply with a subpoena issued by the director or to testify with respect to a matter concerning which the person may be lawfully questioned, the circuit court for Cole County, on application of the director, may issue an order requiring the attendance of the person and the giving of testimony or production of evidence.

4. Service of process authorized to be made by the director in connection with a noncriminal proceeding under this act may be made by registered or certified mail.

620.1742. 1. The director may establish annually a schedule of fees sufficient to pay for the department's costs of administering the Missouri BIDCO act. The fees may be charged for:

- (1) For filing an application for a licensee;
- (2) For filing an application for approval to

acquire control of a licensee;

(3) For filing an application for approval for a licensee to merge with another Missouri entity, an application for approval for a licensee to purchase all or substantially all of the business of another person, or an application for approval for a licensee to sell all or substantially all of its business or of the business of any of its offices to another licensee;

(4) For annual license renewal; and

(5) For examination of the licensee.

2. A fee for filing an application with the director is nonrefundable and is to be paid at the time the application is filed with the director.

3. If any fees or penalties provided for in this act are not paid when required, the attorney general may maintain an action against the delinquent licensee to recover the fees or penalties, together with interest and costs.

4. A licensee or an affiliate or subsidiary of a licensee that fails to submit a report as required in the Missouri BIDCO act is subject to a penalty of twenty-five dollars for each day the report is delinquent or one thousand dollars, whichever is less.

5. Money collected under this section shall be paid into the state treasury to the credit of the department and used only for the operation of the department.

620.1745. 1. A licensee shall make and keep books, accounts, and other records in a form and manner as the director may require. These records shall be kept at a place and shall be preserved for a length of time as the director may require.

2. The director may require by order that a licensee write down any asset on its books and records to a valuation which represents its then value.

3. Not more than one hundred twenty days after the close of each calendar year or a longer period if specified by the director, a licensee shall file with the director an audit report

containing all of the following:

(1) Financial statements, including balance sheet, statement of income or loss, statement of change in capital accounts, and statement of changes in financial position or, for a licensee that is a Missouri nonprofit corporation, comparable financial statements for, or as of the end of, the calendar year, prepared with an audit by an independent certified public accountant or an independent public accountant in accordance with generally accepted accounting principles;

(2) A report, certificate, or opinion of the independent certified public accountant or independent public accountant who performs the audit, stating that the financial statements were prepared in accordance with generally accepted accounting principles; and

(3) Other information that the director may reasonably require.

4. If a person other than a licensee makes or keeps the books, accounts, or other records of that licensee, this act applies to that person with respect to the performance of those services and with respect to those books, accounts, and other records to the same extent as if that person were the licensee.

5. If a person other than an affiliate or subsidiary of a licensee makes or keeps any of the books, accounts, or other records of that affiliate or subsidiary, this section applies to that person with respect to those books, accounts, and other records to the same extent as if that person were the affiliate or subsidiary.

6. If the director considers it expedient, the director may require any particular licensee to obtain the approval of the director before permitting another person to make or keep any of the books, accounts, or other records of the licensee.

620.1748. Each licensee, each affiliate of a licensee, and each subsidiary of a licensee shall file with the director such reports as and when the director may require. A report under this section shall be in such a form and shall contain such information as the director may require.

620.1751. 1. After a review of information regarding the directors, officers, partners, managers, and controlling persons of the applicant, a review of the applicant's business plan, including at least three years of detailed financial projections and other relevant information, and a review of additional information considered relevant by the director, the director shall approve an application for a license if, and only if, the director determines all of the following:

(1) The applicant has a net worth, or firm financing commitments which demonstrate that the applicant will have a net worth when the applicant begins transacting business as a BIDCO, in liquid form available to provide financing assistance, that is adequate for the applicant to transact business as a BIDCO as determined under this section;

(2) Each director, officer, partner, manager, and controlling person of the applicant is of good character and sound financial standing, is competent to perform his or her functions with respect to the applicant, and that the directors, officers, partners, and managers of the applicant are collectively adequate to manage the business of the applicant as a BIDCO;

(3) It is reasonable to believe that the applicant, if licensed, will comply with this act; and

(4) The applicant has reasonable promise of being a viable, ongoing BIDCO and of satisfying the basic objectives of its business plan.

2. In determining if the applicant has a net worth or firm financing commitments adequate to transact business as a BIDCO, the director shall consider the types and variety of financing assistance that the applicant plans to provide, the experience that the directors, officers, partners, managers, and controlling persons of the applicant have in providing financing and managerial assistance to business firms, the financial projections and other relevant information from the applicant's business plan, and whether the applicant intends to operate as

a profit or nonprofit corporation. Except as otherwise provided in this act, the director shall require a minimum net worth of one million dollars.

620.1754. If the director denies an application under sections 620.1730 to 620.1787, the director shall provide the applicant with a written statement explaining the basis for the denial.

620.1757. If an application for a license is approved and all conditions precedent to the issuance of that license are fulfilled, the director shall issue a license to the applicant. A licensee shall post the license in a conspicuous place in the licensee's principal office. A license is not transferable or assignable without the permission of the director.

620.1760. 1. Except as otherwise provided in subsection 2 of this section, a person transacting business in this state, other than a licensee, shall not use a name or title which indicates that the person is a business and industrial development company including, but not limited to, use of the term "BIDCO", and shall not otherwise represent that the person is a business and industrial development company or a licensee.

2. Before being issued a license under this act, a Missouri entity that proposes to apply for a license or that applies for a license may perform, under a name that indicates that the entity is a business and industrial development entity, the acts necessary to apply for and obtain a license and to otherwise prepare to commence transacting business as a licensee. Such an entity shall not represent that it is a licensee until after the license has been obtained.

3. A licensee shall not misrepresent the meaning or effect of its license.

4. The name of each licensee shall include the word "BIDCO". A licensee shall not transact business under any other name.

620.1763. 1. After complying with subsection 2 a licensee may apply to the director to have the director accept the surrender of the licensee's license. If the director determines that the requirements of this section have been

satisfied, the director shall approve the application unless in the opinion of the director the purpose of the application is to evade a current or prospective action by the director.

2. Not less than sixty days before filing an application with the director under subsection 1, a licensee shall notify all of its creditors of its intention to file the application.

620.1766. 1. Each corporate licensee shall have at least three members of its board of directors, each general partnership licensee shall have at least three general partners, each limited partnership shall have at least three general partners or a corporate general partner that has at least three directors and each limited liability company licensee shall have at least three managers.

2. The managers of each licensee described in subsection 1 of this section shall hold a meeting not less than once each calendar quarter.

3. Within thirty days after the death, resignation, or removal of a director, officer, partner, or manager, the election of a director or manager or the appointment of an officer, or the admission of a partner, the licensee shall notify the director in writing of the event and shall provide any additional information which the director may require.

620.1769. 1. A licensee shall maintain not less than one office in this state.

2. A licensee shall post in a conspicuous place at each of its offices a sign which bears the corporate name of the licensee.

3. Upon written notice to the director, a licensee may establish, relocate, or close an office.

620.1772. 1. The business of a licensee shall be to provide financing assistance and management assistance to business firms. A licensee shall not engage in a business other than providing financing assistance and management assistance to business firms.

2. The powers of a licensee include, but are not limited to, all of the following:

(1) To borrow money and otherwise incur indebtedness for its purposes, including issuance of corporate bonds, debentures, notes, or other evidence of indebtedness. A licensee's indebtedness may be secured or unsecured, and may involve equity features including, but not limited to, provisions for conversion to stock and warrants to purchase stock;

(2) To make contracts;

(3) To incur and pay necessary and incidental operating expenses;

(4) To purchase, receive, hold, lease, or otherwise acquire, or to sell, convey, mortgage, lease, pledge, or otherwise dispose of, real or personal property, together with rights and privileges that are incidental and appurtenant to these transactions of real or personal property, if the real or personal property is for the licensee's use in operating its business or if the real or personal property is acquired by the licensee from time to time in satisfaction of debts or enforcement of obligations;

(5) To make donations for charitable, educational, research, or similar purposes;

(6) To implement a reasonable and prudent policy for conserving and investing its money before the money is used to provide financing assistance to business firms or so pay the expenses of the licensee; and

(7) To lend money upon such terms and conditions as it deems reasonable.

620.1775. 1. A licensee may determine the form and the terms and conditions for financing assistance provided by that licensee to a business firm including, but not limited to, forms such as loans; purchase of debt instruments; straight equity investments such as purchase of common stock, preferred stock, or membership interests, debt with equity features such as warrants to purchase stock or membership interests, convertible debentures, or receipt of a percent at net income or sales royalty based financing; guaranteeing of debt; or leasing of property. A licensee may purchase securities and membership interests of a business firm either directly or indirectly

through an underwriter. A licensee may participate in the program of the small business administration pursuant to section 7(a) of the Small Business Act, Public Law 85:536, 15 U.S.C. 636(a), or any other government program for which the licensee is eligible and which has as its function the provision or facilitation of financing assistance or management assistance to business firms. If a licensee participates in a program referred to in this subsection, the license shall comply with the requirements of that program.

2. Management assistance provided by a licensee to a business firm may encompass both management or technical advice and management or technical services.

3. Financing assistance or management assistance provided by a licensee to a business firm shall be for the business purposes of that business firm.

4. A licensee may exercise the incidental powers that are necessary or convenient to carry on the business of, or are reasonably related to the business of, providing financing assistance and management assistance to business firms.

620.1778. 1. A licensee shall transact its business in a safe and sound manner and shall maintain itself in a safe and sound condition.

2. In determining whether a licensee is transacting business in a safe and sound manner or has committed an unsafe or unsound act, the director shall not consider the risk of a provision of financing assistance to a business firm, unless the director determines that the risk is so great compared with the realistically expected return as to demonstrate gross mismanagement.

3. Subsection 2 of this section authorizes but does not limit the authority of the director to do any of the following:

(1) Determine that a licensee's financing assistance to a single business firm or a group of affiliated business firms is in violation of subsection 1 of this section or constitutes an unsafe or unsound act, if the amount of that financing assistance is unduly large in relation

to the total assets or the total shareholders equity of the licensee;

(2) Require that a licensee maintain a reserve in the amount of anticipated losses; and

(3) Require that a licensee have in effect a written financing assistance policy, approved by its board of directors, including credit evaluation and other matters. The director shall not require that a licensee adopt a financing assistance policy that contains standards which prevent the licensee from exercising needed flexibility in evaluating and structuring financing assistance to business firms on a deal by deal basis.

620.1781. 1. Without the prior approval of the director, a person shall not acquire control of a licensee.

2. With respect to an application for approval to acquire control of a licensee, if the director determines, that the applicant and the directors, officers, and managers of the applicant are of good character and sound financial standing, that it is reasonable to believe that, if the applicant acquires control of the licensee, the applicant will comply with this act, and that the applicant's plans, if any, to make a major change in the business, corporate structure, or management of the licensee are not detrimental to the safety and soundness of the licensee, the director shall approve the application. If, after notice and a hearing, the director determines otherwise, the director shall deny the application.

3. For purposes of this section, the director may determine any of the following:

(1) That an applicant or a director, officer, or manager of an applicant is not of good character if that person has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty;

(2) That an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee if the plan provides for a person to become a director, officer, or manager of the licensee and that person has been convicted of,

or has pleaded nolo contendere to, a crime involving fraud or dishonesty; and

(3) The conditions described in subsection 3 of this section are not the only conditions upon which the commissioner may determine that an applicant or a director, officer, or manager of an applicant is not of good character or that an applicant's plan to make a major change in the management of a licensee is detrimental to the safety and soundness of the licensee.

620.1784. 1. A licensee shall not merge with another entity:

(1) If the licensee is the surviving entity, the merger is approved by the director; or

(2) If the licensee is a disappearing entity, the surviving entity is a licensee and the merger is approved by the director.

2. A licensee shall not purchase all or substantially all of the business of another person unless the purchase is approved by the director.

3. A licensee shall not sell all or substantially all of its business or of the business of any of its offices to another person unless that other person is a licensee and the sale is approved by the director.

4. The director shall approve an application for approval of a merger, purchase, or sale, if, and only if, the director determines all of the following:

(1) That the merger, purchase, or sale will be safe and sound with respect to the acquiring licensee;

(2) That, upon consummation of the merger, purchase, or sale, it is reasonable to believe that the acquiring licensee will comply with this act; and

(3) That the merger, purchase, or sale will not have a major detrimental impact on competition in the providing of financial assistance or management assistance to business firms, or if there will be such a detrimental impact, that the merger, purchase, or sale is necessary in the interests of the safety and

soundness of any of the parties to the merger, purchase, or sale, or is otherwise, on balance, in the public interest.

620.1787. 1. If in the opinion of the director, a person violates, or there is reasonable cause to believe that a person is about to violate this act, the director may bring an action in the name of the people of this state in a circuit court to enjoin the violation or to enforce compliance with this act. Upon a proper showing, a restraining order, preliminary or permanent injunction, or writ of mandamus shall be granted, and a receiver or a conservator may be appointed for the defendant or the defendant's assets. The court shall not require the director to post a bond in an action brought under this act.

2. A person having custody of any of the books, accounts, or other records of a licensee shall not willfully refuse to allow the director, upon request, to inspect or make copies of any of those books, accounts, or other records."; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 7, Section 135.500, Lines 19 and 20, by deleting all of said lines.

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

Senator Staples assumed the Chair.

Senator Sims offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 18, Section 135.516, Line 17, by inserting after all of said line the following:

"135.955. 1. As used in this section, the

following terms mean:

(1) "Business component", any product, process, computer software, technique, formula, or invention which is to be held for sale, lease, or license, or used by the taxpayer in a trade or business of the taxpayer. Any plant process, machinery, or technique for commercial production of a business component shall be treated as a separate business component and not as part of the business component being produced;

(2) "Contract research expenses", sixty-five percent of any amount paid or incurred by a taxpayer to any person other than an employee of the taxpayer for qualified research. Contract research expenses which are paid or incurred during a tax year, but are attributable to qualified research to be conducted after the close of such tax year, shall be treated as paid or incurred during the tax year in which the qualified research is conducted;

(3) "Department", the department of economic development;

(4) "Director", the director of the department of economic development;

(5) "Distressed community", as defined in section 135.530;

(6) "Eligible taxpayer", a taxpayer who employs no more than one hundred fifty employees and who is engaged in a for-profit basis development of medical instruments and devices, medical diagnostic or therapeutic devices, plant science products, pharmaceutical or veterinary products with agricultural applications, or other products derived from life or biomedical sciences;

(7) "In-house research expenses", any wages paid or incurred to an employee for qualified services performed by such employee, any amount paid or incurred for equipment and supplies used in the conduct of qualified research, and any amount paid or incurred to another person for the right to use computers in the conduct of qualified research. The phrase excludes any amount to the extent that the taxpayer receives or accrues any amount from

any other person for the right to use substantially identical personal property;

(8) "Qualified research", any research which is undertaken for the purpose of discovering information which is technological in nature, the application of which is intended to be useful in the development of a new or improved business component of the taxpayer and substantially all of the activities of which constitute elements of a process of experimentation for a new or improved function, performance or reliability or quality. Qualified research shall not include any research related to style, taste, cosmetic, or seasonal design factors; any research conducted after the beginning of commercial production of the business component; any research related to the adaptation of an existing business component to a particular customer's requirement or need; any research related to the reproduction of an existing business component in whole or in part from a physical examination of the business component itself or from plans, blueprints, detailed specifications, or publicly available information with respect to such business component; any efficiency survey, activity relating to management function or technique, market research, testing, or development, including advertising or promotions, routine data collection, or routine or ordinary testing or inspection for quality control; any research in the social sciences, arts, or humanities; any research to the extent funded by any grant, contract, or otherwise by another person or governmental entity; and except to the extent provided in state regulations, any research with respect to computer software which is developed by or for the benefit of the taxpayer primarily for internal use by the taxpayer, other than for use in an activity which constitutes qualified research pursuant to this subdivision, or a production process with respect to which constitutes qualified research. A given business component of the taxpayer shall not qualify for a tax credit pursuant to this section unless such business component constitutes qualified research as defined in this subdivision;

(9) "Qualified research expenses", the sum of the amounts of in-house research expenses and contract research expenses which are paid or incurred by the taxpayer during the taxable year for qualified research taking place in the state of Missouri in carrying on any trade or business of the taxpayer; except that, a taxpayer shall also be treated as meeting the trade or business requirement if, at the time such in-house research expenses are paid or incurred, the principal purpose of the taxpayer in making such expenditures is to use the results of the research in the active conduct of a future trade or business of the taxpayer;

(10) "Qualified services", services consisting of engaging in qualified research, or engaging in the direct supervision or direct support of research activities which constitute qualified research; except that, if substantially all of the services performed by an individual for the taxpayer during the tax year consist of services as defined in this subdivision, such phrase shall include all of the services performed by such individual for the taxpayer during the tax year;

(11) "Supplies", any tangible property other than land or improvements to land, and property of a character subject to the allowance for depreciation;

(12) "Tax liability", the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo;

(13) "Taxpayer", any person, partnership, corporation, trust or limited liability company;

(14) "Wages", all remuneration, payable or paid, for personal services, including commissions and bonuses and the cash value of all remuneration paid in any medium other than cash.

2. An eligible taxpayer who incurs qualified research expenses shall, upon application and issuance of a certificate of tax credit, be entitled to receive a credit against such taxpayer's tax liability in an amount equal to ten percent of such taxpayer's qualified research expenses or,

in the case of qualified research expenses in a distressed community, in an amount equal to twenty-five percent of such taxpayer's qualified research expenses. The total amount of tax credits available pursuant to this section shall not exceed five million dollars, and at least one million dollars of the amount authorized by this section shall be reserved for taxpayers incurring qualified research expenses in a distressed community. The maximum credit allowed a taxpayer for research expenses pursuant to this section shall be five hundred thousand dollars or, in the case of qualified research expenses in a distressed community, one million two hundred fifty thousand dollars.

3. To obtain a tax credit pursuant to this section, a taxpayer shall submit an application to the department of economic development in a form approved by the director. Upon satisfaction that the taxpayer meets all requirements of this section, the director shall issue the taxpayer a certificate of tax credit in an appropriate amount and shall certify the amount of such credit to the department of revenue. Tax credit allowed pursuant to this section shall be issued in the order applications therefor are received. The department of economic development is authorized to promulgate any rules deemed necessary to implement this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

4. The tax credit shall be claimed on such taxpayer's tax return for the tax year in which the qualified research expenses are incurred and any amount of credit which exceeds the tax liability of a taxpayer for the tax year in which the credit is first claimed may be carried forward to any of the taxpayer's ten subsequent tax years, and for tax credits for qualified research expenses in a distressed community, the credit may also be carried back to any of the taxpayer's three prior tax years. Any taxpayer claiming a credit pursuant to this section shall file a copy of such taxpayer's certificate of tax credit with such taxpayer's tax return. The

department of revenue shall apply tax credits against a taxpayer's tax liability pursuant to subsection 1 of section 32.115, RSMo. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by notarized endorsement thereof which names the transferee.

5. If a taxpayer receiving a tax credit pursuant to this section transfers the conduct of qualified research to a location outside of Missouri within three years after receipt of such tax credit, such tax credit, or the share of such tax credit which was granted with respect to the transferred qualified research, shall be revoked, and the taxpayer shall repay any amount of the tax credit already applied against the investor's state tax liability."; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator House offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 1, In the Title, Line 4, by striking the words "administered by the department of economic development"; and

Further amend said bill, Page 18, Section 135.516, Line 17, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities;

(2) "Director", the director of the department of social services;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265,

RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

(5) "Unplanned pregnancy resource center", a nonresidential facility:

(a) Located in this state and established and operating for the purpose of providing assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed and little or no birth control services are provided; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides most of its services at no cost; and

(f) Which is exempt from income taxation

pursuant to the United States Internal Revenue Code.

In cases where two or more unplanned pregnancy resource centers are controlled by the same corporate entity and more than one-half of the annual income of each such center is derived from common fund-raising efforts which benefit all such centers controlled by the same corporate entity, the director shall make one equal apportionment to the corporate entity and not separate equal apportionments to each facility classified as an unplanned pregnancy resource center and controlled by the same corporate entity. However, for purposes of informing taxpayers of which facilities have been classified as unplanned pregnancy resource centers pursuant to subsection 6 of this section, the director may list separately each unplanned pregnancy resource center controlled by the same corporate entity.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource

centers. The director may require of a facility seeking to be classified as an unplanned pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making

a contribution to the unplanned pregnancy resource center and the amount of the contribution. The director shall provide the information to the director of the department of revenue.

9. This section shall become effective January 1, 2001, and shall apply to all tax years after December 31, 2000."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Maxwell raised the point of order that SA 4 is out of order as it exceeds the scope and purpose of the bill.

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

SA 4 was again taken up.

Senator House moved that the above amendment be adopted.

Senator Maxwell offered SA 1 to SA 4:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 867 and 552, Page 2, Section 135.630, Line 23 following the word "and", by inserting "["; and further amend said bill, Page 2, Section 135.630, line 23, by inserting "]" following the word "no".

Senator Maxwell moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

At the request of Senator Maxwell, SB 867 and SB 552, with SCS, SS for SCS, SA 4 and SA 1 to SA 4 (pending), were placed on the Informal Calendar.

Senator Staples moved that SB 610 be taken up for perfection, which motion prevailed.

Senator Singleton offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

“3. Every person who desires to operate or ride as a passenger on any motorcycle or motortricycle without protective headgear shall file with the director of revenue a security bond or medical insurance policy in the amount of one hundred thousand dollars which shall cover the operator’s or rider’s medical expenses.”; and

Further amend said section, by renumber the remaining subsection accordingly.

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

Senator Singleton offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

“3. Each person must furnish proof of financial responsibility to the director of revenue that he or she has in effect a motor vehicle liability policy subject to the minimum limits outlined in section 303.190, RSMo.”; and

Further amend said section, by renumber the remaining subsection accordingly.

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

Senator Singleton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 610, Page 2, Section 302.020, Line 23, by inserting immediately after said line the following:

“3. Every person who rides a motorcycle or motortricycle shall be required to submit to a breathalyzer test prior to any ride on which he is responsible for operation of said vehicle.”.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Staples, **SB 610**, with **SA 3** (pending), was placed on the Informal

Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1114**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2000.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

R. Mark Alexander, 645 Mollie, Marshfield, Webster County, Missouri 65706, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ray D. Jagger, Democrat, Route 5, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn A. Landry, Democrat, 2725 Stonewall Station, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Women’s Council, for a term ending December 6, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacqueline McKinsey, Republican, 2802 South Natural Bridge, Springfield, Greene County, Missouri 65809, as a member of the Missouri Women’s Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael C. Phillips, 5408 Dalcross Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2005, and until his successor is duly appointed and qualified; vice, Greg Weaver, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David A. Rice, 2222 Concordia Drive, Columbia, Boone County, Missouri 65203, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2004, and until his successor is duly appointed and qualified; vice, Katherine A Frazier, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kevin W. Snedden, 16311 Ox Bow, Kearney, Clay County, Missouri 64060, as a member of the Missouri Board of Therapeutic Massage, for a term ending June 17, 2002, and until his successor is duly appointed and qualified; vice, Cheryl A. Robinson, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 15, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wildie L. Webster, Republican, #17 Goode Drive, Fenton, St. Louis County, Missouri 63026, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1218, regarding Zachary Polette, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1219, regarding Tyler Norrick, Festus, which was adopted.

Senator Childers offered Senate Resolution No. 1220, regarding Mackenzie Sweeney, Souder, which was adopted.

Senator Childers offered Senate Resolution No. 1221, regarding Krystal DeGreve, Billings, which was adopted.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

February 15, 2000

The Honorable Joe Maxwell
Missouri Senate
State Capitol, Room 219
Jefferson City, MO 65101

Dear Senator Maxwell:

Per your request of February 9, 2000 asking to be removed from one of your committees due to a scheduling conflict, I am removing you from the Senate Judiciary Committee.

If you have any questions, please contact me.

Sincerely,
/s/ Ed Quick
Edward E. Quick
President Pro Tem

Also,

February 15, 2000

The Honorable William L. "Lacy" Clay, Jr.
Missouri Senate
State Capitol, Room 221
Jefferson City, MO 65101

Dear Senator Clay:

It is my pleasure to appoint you to serve as a member and vice-chairman of the Senate Committee on Civil and Criminal Jurisprudence to fill the vacancy created by the resignation of Senator J. B. "Jet" Banks.

If you have any questions, please do not hesitate to contact me.

Sincerely,
/s/ Edward E. Quick
Edward E. Quick
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, the Physician of the Day, Dr. Steve Granberg, M.D., St. Louis.

Senator Stoll introduced to the Senate, his wife, Kathy, Festus.

On behalf of Senator Singleton and herself, Senator Bentley introduced to the Senate, Thelma and Bud Neff, Springfield.

Senator Howard introduced to the Senate, Rosemary Grey, Sikeston; Sherry Morris, Bernie; Rosemary McBride, Poplar Bluff; and Calvin Lee, Piedmont.

Senator Flotron introduced to the Senate, ninety fourth grade students from Bridgeway Elementary School, Bridgeton; and Kelli Sims, Justin Payne and Kelly Schlattman were made honorary pages.

Senator Bland introduced to the Senate, Marcia Pitts, Cindy Thompson, Carla Bergstrom, Sue Blew and Charles Smith, Kansas City.

On behalf of Senator Quick and himself, Senator Johnson introduced to the Senate, Janet Leachman, Platte City; Kay Schaefer, Pam Payne, Craig Van Bebber, Todd Beeck, Sharon Kavanaugh, Sandy Ruppert and Elizabeth Cousner, Kansas City; Kathy Bray and Bev Vogt, Parkville; and Sandy Van Wagner, Smithville.

Senator Staples introduced to the Senate, members of the Farm Bureau.

Senator Rohrbach introduced to the Senate, Bill Hunter, Versailles; and Cletus Koerner, Barnett.

Senator Russell introduced to the Senate, Tom and Debbie Carnes, Richland.

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

SENATE CALENDAR

TWENTY-FIFTH DAY—WEDNESDAY, FEBRUARY 16, 2000

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1001-Wiggins
 SRB 1002-Wiggins
 SB 1003-Wiggins
 SB 1004-Schneider and
 Wiggins
 SB 1005-Schneider
 SB 1006-Yeckel
 SB 1007-Scott
 SB 1008-Scott
 SB 1009-Bentley

SB 1010-Childers and
 Caskey
 SB 1011-Singleton
 SB 1012-Singleton
 SB 1013-Stoll
 SB 1014-Stoll
 SB 1015-Wiggins and
 DePasco
 SB 1016-Jacob, et al
 SB 1017-Mathewson, et al
 SB 1018-Bentley

HOUSE BILLS ON SECOND READING

HB 1506-VanZandt, et al
 HJR 43-Barry, et al
 HB 1363-Bray, et al
 HCS for HB 1144

HB 1321-Relford, et al
 HCS for HB 1142
 HCS for HB 1114

SENATE BILLS FOR PERFECTION

SB 576-Maxwell and Howard
 SBs 757 & 602-Maxwell,
 with SCS
 SB 756-Caskey, with SCS

SJR 45 & 41-House,
 with SCS
 SB 618-Rohrbach, with
 SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 610-Staples and
DePasco, with SA 3
(pending)

SBs 867 & 552-Maxwell,
with SCS, SS for SCS,
SA 4 & SA 1 to SA 4
(pending)

SBs 934, 546, 578, 579 &
782-Caskey, with SCS,
SS for SCS, SA 3 & SSA
2 for SA 3 (pending)

SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & SA 5
to SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 540-Mathewson, with
SCS

SB 709-DePasco, with SCA 1
(In Budget Control)

Reported 2/8

SB 722-Caskey
SB 769-DePasco and
Wiggins
SB 774-Caskey, with SCA 1
SB 537-Russell

SB 856-Maxwell
SB 557-Mueller, with SCS
SB 779-Mathewson and
Johnson, with SCS

Reported 2/14

SB 821-Caskey, with SCA 1
SB 746-Johnson, with SCS
SB 883-Rohrbach, with SCS
SB 685-Bland, with SCS
SB 765-Kenney, with SCS

SB 643-Schneider
SB 836-Mueller
SB 877-Sims
SB 573-House

Reported 2/15

SB 743-Klarich, with
SCA 1
SB 816-Stoll
SB 804-Yeckel

SB 727-Goode and Bentley
SB 703-Steelman
SB 740-Wiggins

RESOLUTIONS

SR 1185-Schneider

SR 1204-Goode

Unofficial

Reported from Committee

SR 1035-Steelman

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