

# Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—THURSDAY, MAY 3, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord waits to be gracious to you.” (Isaiah 30:18)

Lord God, even when our minds and thoughts stray from Your waiting heart, You are willing to heal our limping lives with celebration. Help us remember this day where to go for life today, and in doing so return to keeping our hearts and minds on those things You will for us to accomplish this day. And help us return to those You have given us to love with openness to what they have endured in our absence and their need of us to help and support them and most assuredly share the love we have for them. In Your 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.

Photographers from KOMU-TV were 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	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Quick offered Senate Resolution No. 727, regarding Nathan David Wilshusen, Smithville, which was adopted.

Senator Quick offered Senate Resolution No. 728, regarding Jared Thomas Scullen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 729, regarding Martin Joseph Fisher, Liberty, which was adopted.

## HOUSE BILLS ON THIRD READING

**HB 409**, introduced by Representative Surface, entitled:

An Act to authorize the conveyance of certain properties between the Missouri national guard and the city of Joplin.

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

On motion of Senator Singleton, **HB 409** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider

Scott            Sims            Singleton    Staples  
 Steelman      Stoll           Westfall      Wiggins  
 Yeckel—29

NAYS—Senators—None

Absent—Senators

Bentley          Bland            Goode           Rohrbach—4

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**HB 84**, introduced by Representative Richardson, entitled:

An Act to repeal section 50.334, RSMo 2000, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

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

Senator Gross assumed the Chair.

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

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bentley          Bland—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**HB 78**, introduced by Representatives Kennedy and Richardson, entitled:

An Act to repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

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

On motion of Senator Klarich, **HB 78** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**HB 607**, with **SCS**, introduced by Representative Treadway, et al, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental services, and to enact in lieu thereof one new section relating to the same subject.

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

**SCS** for **HB 607**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 607**

An Act to repeal section 332.072, RSMo 2000, relating to dental services, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **HB 607** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HB 607** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

**NAYS—Senators—None**

**Absent—Senators**

Bentley	Quick	Russell	Staples—4
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Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

**YEAS—Senators**

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

**NAYS—Senators—None**

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

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

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

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

**HB 796**, with **SCS**, introduced by Representative Hosmer, entitled:

An Act to repeal section 196.100, RSMo 2000, relating to the labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

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

**SCS** for **HB 796**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 796**

An Act to repeal section 196.100, RSMo 2000, relating to labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **HB 796** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **HB 796** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

**NAYS—Senators—None**

**Absent—Senators**

Jacob	Russell	Staples—3
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

### **REPORTS OF STANDING COMMITTEES**

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John D. Aylward, as a member of the State Soil and Water Districts Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William Kent Blades, as a member of the State Fair Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Norman B. Harty, as a member of the House Apportionment Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Foster moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Allison London Smith, as a member of the Senate Apportionment Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Childers moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Marjorie K. Carter, as a member of the Child Abuse and Neglect Review Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Klarich moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Franks, as a member of the Board of Governor's for Southwest Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Singleton moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the

appointment of Donald “Brad” Bedell, as a member of the Board of Regents for Southeast Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William “Vim” F. Horn, Jr., as a member of the Missouri Planning Council on Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mathewson moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of N. Cheryl Coleman, as a member of the Missouri Women’s Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator DePasco moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Jennifer Tidwell, as a member of the State Tax Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator DePasco moved that the committee

report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Gray, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Westfall moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Amy Sweeney Davis, as a public member of the Amusement Ride Safety Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John “Jack” Runyan, as a member of the Amusement Ride Safety Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gwendolyn Grant, as a member of

the Missouri Commission on Human Rights, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Larry W. Jackson, D.D.S., as a member of the Missouri Dental Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Staples moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Paul A. Sundet, Ph.D., as a member of the State Committee for Social Workers, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ben L. Kessler, as a member of the Hazardous Waste Management Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

## HOUSE BILLS ON THIRD READING

**HCS for HBs 144 and 46**, with **SCS**, entitled:

An Act to repeal section 575.230, RSMo 2000, relating to jails and jailers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

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

**SCS for HCS for HBs 144 and 46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 144 and 46

An Act to repeal sections 575.230 and 577.020, RSMo 2000, relating to public safety, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Kenney moved that **SCS for HCS for HBs 144 and 46** be adopted.

Senator Kenney offered **SS for SCS for HCS for HBs 144 and 46**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 144 and 46

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to the release of individuals from custody.

Senator Kenney moved that **SS for SCS for HCS for HBs 144 and 46** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 and 46, Page 1, Section A, Line 3, by inserting after all of said line the following:

“32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace**

**officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section 590.100, RSMo, may notify the department of such status and the department shall protect the confidentiality of the records on such a person and his or her immediate family as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 and 46, Page 2, Section 221.510, Line 29, by inserting after said line the following:

“577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and

the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.];

**(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or**

**(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality.**

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods

approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person**.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."

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

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HBs 144** and **46**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HCS** for **HBs 144** and **46**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

## NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**HS** for **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Was taken up by Senator Goode.

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

## SENATE AMENDMENT NO. 1

Amend House Substitute for House Joint Resolution No. 11, Page 2, Section 31, Line 6, by inserting after the phrase "county charter but may" the following: ", except for the office of circuit attorney,".

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

On motion of Senator Goode, **HS** for **HJR 11**, as amended, was read the 3rd time and passed by the following vote:



YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senator Carter—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 Kenney moved that motion lay on the table, which motion prevailed.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SBs 323** and **230**, entitled:

An Act to repeal sections 67.1003, 67.1360, 67.1775, 94.812 and 210.861, RSMo 2000, and to enact in lieu thereof thirty new sections relating to certain local taxes.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendments Nos. 9, 10 and 11.

**HOUSE AMENDMENT NO. 1**

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 45, Section 210.861, Line 13 of said page, by inserting after all of said line

the following:

“321.242. 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, **or the governing body of any fire protection district which has an assessed valuation greater than seven hundred fifty million but less than eight hundred million and which is located in a county of the first classification with a charter form of government with a population greater than nine hundred thousand**, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall ..... (insert name of district or municipality) impose a sales tax of ..... (insert rate of tax) for the purpose of providing revenues for the operation of the ..... (insert fire protection district or municipal fire department)?

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 sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire

protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district or municipality and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 27, Section 67.1950, Line

13, by striking the word “excluding” and replacing it with the word “including”.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 32, Section 67.1959, Line 4, by striking the following:

“including leases of motor vehicles.”.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 12, Section 67.1005, Line 9 of said page, by inserting after all of said line the following:

“67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants **or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants** or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred

or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county

of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:

(1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;

(2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;

(3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;

(4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and

(5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.

3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five

years.

4. Such proposal shall be submitted in substantially the following form:

Shall the (city, town, village or county) of ..... impose a sales tax of ..... (insert amount) for the purpose of economic development in the (city, town, village or county)?

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 or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.

5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.

6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.

7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality, less one percent for cost of

collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".

8. The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.

9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.

10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax

and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

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

13. For purposes of this section, the term "economic development" is limited to the following:

(1) Operations of economic development or community development offices, including the salaries of employees;

(2) Provision of training for job creation or retention;

(3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and

(4) Refurbishing of existing structures and property relating to community development.”; and

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

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 25, Section 67.1934, Line 6, by deleting the word “twenty” and inserting in lieu thereof the word “five”.

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 15, Section 67.1360, Line 11, by deleting all of said line and inserting in lieu thereof the following: **“two thousand three hundred but less than two thousand five**

**hundred**”; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 45, Section 1, Line 19-21, by striking all of Line 19 after the comma (,) following the word “county” on line 19, and by striking all of Line 20, and by striking the word “basis” on Line 21, and substituting in lieu thereof the following:

**“require each contract covering the rental of a motor vehicle which is rented within such county on a short-term basis to provide a box which the renter may use to indicate that a one dollar fee may be added to the contract”.**

HOUSE SUBSTITUTE AMENDMENT NO. 2  
FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 46, Section 1, Line 10, by inserting after said line the following:

**“Section 2. Notwithstanding section 144.020, all memberships in recreational personal fitness or health club facilities and golf clubs shall be exempt from state and local sales and use taxes.”; and**

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 15, Section 67.1360, Line 22, by inserting at the end of said line the following:

**“; or**

**(19) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;”.**

HOUSE AMENDMENT NO. 10

Amend House Substitute for Senate Substitute

for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 41, Section 67.1977, Line 21, by inserting the following after Line 20:

“67.1978. The board of directors shall have an annual audit performed by a certified professional accountant or accounting firm. The board of directors shall provide a copy of the annual audit to the governing bodies within the district.

67.1979. Members of the board of directors may be removed by two-thirds vote of the appointing governing body.”; and

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

HOUSE AMENDMENT NO. 11

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 3, Section 67.571, Line 22, by deleting the word “five” in said line and replacing with the word “six”; and

Further amend said bill, same section, Line 23, by adding after the word “county” the following:

“from a list of candidates supplied by the chairman of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties.”; and

Further amend said bill, same section, Page 4, Line 2, by deleting the first word “two” in said line and replacing with the word “three”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted SCS for **HB 808** and **HB 951**, as amended, and has taken up and passed SCS for **HB 808** and **HB 951**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 981** and **665**, entitled:

An Act to repeal sections 160.261 and

287.780, RSMo 2000, relating to immunities, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House of Representatives is returning **SS** for **SCS** for **SBs 476, 427** and **62** back to the Senate for correction and re-passage.

**REFERRALS**

President Pro Tem Kinder referred **HCR 12; HCR 14; HCR 22** and **HCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

**PRIVILEGED MOTIONS**

Senator Yeckel requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions and the third reading motion carried on **SS** for **SCS** for **SBs 476, 427** and **62**, which request was granted.

Having voted on the prevailing side, Senator Yeckel moved that the vote to lay on the table the motion to reconsider the vote by which **SS** for **SCS** for **SBs 476, 427** and **62** passed, the vote by which the title was agreed to, and the vote by which the bill was third read and finally passed be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Carter—1

On motion of Senator Yeckel, corrected **SS** for **SCS** for **SBs 476, 427** and **62** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Rohrbach—1

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Childers moved that **SS** for **SCS** for **SBs 323** and **230**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, entitled:

**HOUSE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 323 and 230**

An Act to repeal sections 67.1003, 67.1360, 67.1775, 94.812 and 210.861, RSMo 2000, and to enact in lieu thereof thirty new sections relating to certain local taxes.

Was taken up.

Senator Childers moved that **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators  
Quick            Schneider—2

Absent with leave—Senator Carter—1

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 382** was read the 3rd time and passed by the following vote:

NAYS—Senators—None

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

Senator Childers moved that **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, be read the 3rd time and finally passed.

At the request of Senator Childers, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Yeckel moved that **SCS** for **SB 382**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 382**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 382

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 382** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators  
Bentley            Rohrbach—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators  
Bentley            Rohrbach            Stoll—3

Absent with leave—Senator Carter—1

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



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

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

Bill ordered enrolled.

Senator Foster moved that **SCS** for **SB 520**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 520**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 520

An Act to repeal sections 301.041, 301.057, 301.058 and 301.121, RSMo 2000, section 301.130 as enacted by house committee substitute for senate substitute for senate bill no. 3 and senate bill no. 156, eighty-eighth general assembly, first regular session, 301.130 as enacted by conference committee substitute for senate substitute for senate bill no. 70, eighty-eighth general assembly, first regular session, relating to motor vehicles, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Foster moved that **HCS** for **SCS** for **SB 520** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley	Goode	Jacob	Mathewson
Rohrbach—5			

Absent with leave—Senator Carter—1

On motion of Senator Foster, **HCS** for **SCS** for **SB 520** was read the 3rd time and passed by the

following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Rohrbach	Russell	Singleton	Staples—4
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Johnson moved that **SB 544**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 544**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 544

An Act to authorize the conveyance of an easement on property owned by Missouri Veterans Commission to Spectra Communications.

Was taken up.

Senator Johnson moved that **HCS** for **SB 544** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick Russell Schneider Scott  
Sims Staples Steelman Stoll  
Westfall Wiggins Yeckel—31

NAYS—Senators—None

Absent—Senators

Rohrbach Singleton—2

Absent with leave—Senator Carter—1

On motion of Senator Johnson, **HCS** for **SB 544** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley Bland Caskey Cauthorn  
Childers DePasco Dougherty Foster  
Gibbons Goode Gross House  
Jacob Johnson Kenney Kinder  
Klarich Klindt Loudon Mathewson  
Russell Schneider Scott Sims  
Steelman Stoll Westfall Wiggins  
Yeckel—29

NAYS—Senators—None

Absent—Senators

Quick Rohrbach Singleton Staples—4

Absent with leave—Senator Carter—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 Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 567**, with **SCS**, entitled:

An Act to repeal sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130,

326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 332.081, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to professional registration, and to enact in lieu thereof seventy-eight new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Klarich.

**SCS** for **HCS** for **HB 567**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 567

An Act to repeal sections 209.251, 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof ninety-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **HCS** for **HB 567** be adopted.

At the request of Senator Klarich, **HCS** for **HB 567**, with **SCS** (pending), was placed on the Informal Calendar.

**HB 575**, with **SCS**, introduced by Representative O'Connor, et al, entitled:

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Kenney.

**SCS** for **HB 575**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 575

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **HB 575** be adopted.

Senator Kenney offered **SS** for **SCS** for **HB 575**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 575

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, and section 407.822 as Truly Agreed To and finally passed by the first regular session of the ninety-first general assembly in senate committee substitute for house bill no. 693, relating to franchise practices, and to enact in lieu thereof eighteen new sections relating to the same subject, with a delayed effective date for certain sections.

Senator Kenney moved that **SS** for **SCS** for **HB 575** be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HB 575** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Rohrbach	Stoll—2
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**REPORTS OF STANDING COMMITTEES**

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

**RECESS**

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

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HB 459** and has taken up and passed **SCS for HB 459**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 514**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 130**, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 462**, entitled:

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330, 252.333, 274.060, 278.220, 278.240, 278.245, 278.250, 278.280, 278.290, 278.300, 348.430, 348.432 and 409.401, RSMo 2000, and to enact in lieu thereof thirty-five new sections relating to agriculture, with a penalty provision and an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11, 12, 14, 15, 17, 18 and 19.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 462, Pages 26 and 27, Section 414.433, Lines 2 to 8, by deleting all of said lines and inserting in lieu thereof the following:

**“(1) ‘B-20’, a blend of two fuels of twenty percent by volume biodiesel and eighty percent**

**by volume petroleum-based diesel fuel;**

**(2) ‘Biodiesel’, as defined in ASTM Standard PS121;**

**(3) ‘Eligible new generation cooperative’, a nonprofit farmer-owned cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility, as defined in section 348.430, RSMo.’; and**

Further amend said bill, Page 2, Section 252.303, Line 27, by deleting all of said line and inserting in lieu thereof the following: **“(9) ‘Forested-riparian buffers’, a combination of trees and other vegetation”;** and

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 462, Pages 26, Section 409.401, Line 134, by inserting after all of said line the following:

“414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. All sellers of motor fuel which has been blended with an alcohol additive shall notify the buyer of same.

**3. All sellers of motor fuel which has been blended with at least one percent oxygenate by weight shall notify the buyer at the pump of the type of oxygenate.**

4. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Lines 16 and 17, by deleting all of said lines and inserting in lieu thereof the following:

**“biodiesel will not exceed the rack price of regular diesel. If there is no incremental cost difference between biodiesel above the rack price of regular diesel, then the state school aid program will not make payment for biodiesel purchased during the period where no incremental cost exists. The payment shall be made based on the incremental cost difference incrementally up to seven-tenths percent of the entitlement authorized by section 163.161, RSMo,”; and**

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

**“578.029. 1. A person commits the crime of intentionally releasing or confiscating an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases or confiscates any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.**

**2. As used in this section “animal” means every living creature, domesticated or wild, but not including Homo sapiens.**

**3. The provisions of this section shall not apply to or affect any of the following:**

**(1) Any person acting with lawful authority to release or confiscate an animal;**

**(2) Any employee or agent of the Missouri department of agriculture acting within the scope of his or her duties;**

**(3) Any public health official, animal welfare officer, animal control officer, law enforcement officer or other governmental employee or**

**individual required to assist or requested to assist a person acting with lawful authority to release or confiscate an animal.**

**4. Intentionally releasing or confiscating an animal is a class A misdemeanor except that the second or any subsequent offense is a class D felony.”; and**

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

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

**“537.353. 1. Any person or entity who knowingly damages or destroys any field crop product that is grown for personal or commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state or local government agency, shall be liable for double damages pursuant to this section.**

**2. In awarding damages pursuant to this section, the courts shall consider the following:**

**(1) The market value of the crop prior to damage or destruction; and**

**(2) The actual damages involving production, research, testing replacement and crop development costs directly related to the crop that has been damaged or destroyed.”; and**

Further amend said bill Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

**“578.414. 1. Sections 578.414 to 578.420 shall be known and may be cited as “The Crop Protection Act”. As used in sections 578.414 to 578.420, the term “director” shall mean the director of the department of agriculture.**

**578.416. No person shall:**

**(1) Intentionally cause the loss of any crop;**

**(2) Damage, vandalize, or steal any**

property in or on a crop;

(3) Obtain access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;

(4) Enter or otherwise interfere with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;

(5) Knowingly obtain, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;

(6) Enter or remain on land on which a crop is located with the intent to commit an act prohibited by this section.

**578.418. 1. Any person who violates section 578.416:**

(1) Shall be guilty of a misdemeanor for each such violation unless the loss or damage to the crop exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony if the loss or damage to the crop exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss or damage to the crop exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss or damage to the crop exceeds one hundred thousand dollars in value.

**2. Any person who intentionally agrees with another person to violate section 578.416 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.**

**3. In the determination of the value of the loss or damage to a crop, the court shall conduct a hearing to determine the reasonable cost of replacement of the property or crops that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost income and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.416.**

**4. Any persons found guilty of a violation of section 578.416 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the land on which the crop is located, in the full amount of the reasonable cost as determined under subsection 3 of this section.**

**5. Any person who has been damaged by a violation of section 578.416 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.**

**6. Nothing in sections 578.414 to 578.420 shall preclude any owner or operator injured in his or her business or property by a violation of section 578.416 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.416. The owner or operator of the business may petition the court to permanently enjoin such persons from violating sections 578.414 to 578.420 and the court shall provide such relief.**

**578.420. 1. The director shall have the authority to investigate any alleged violation of sections 578.414 to 578.420, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.414 to 578.420. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.**

**2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.414 to 578.420. No rule or portion of a rule promulgated under the authority of sections 578.414 to 578.420 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.";** and

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

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for

Senate Bill No. 462, Page 8, Section 262.810, Line 3, by inserting after all of said line the following:

“272.010. All fields and enclosures **where animals are kept** shall be enclosed by [hedge, or with a fence sufficiently close, composed of posts and rails, posts and palings, posts and planks, posts and wires, palisades or rails alone, laid up in a manner commonly called a worm fence, or of turf, with ditches on each side, or of stone or brick] **a lawful fence as defined in section 272.020.**

272.020. [All hedges shall be at least four feet high, and all fences composed of posts and rails, posts and palings, posts and wire, posts and boards or palisades, shall be at least four and one-half feet high, with posts set firmly in the ground, not more than eight feet apart, and with rails, palings, wire, boards or palisades securely fastened thereto, and placed at proper distances apart, so as to resist horses, cattle, swine and like stock; and fences composed of woven wire, wire netting or wire mesh shall be at least four and one-half feet high, securely fastened to posts, such posts to be set firmly in the ground, and not more than sixteen feet apart, and such woven wire, wire netting or wire mesh to be of sufficient closeness and strength as to resist horses, cattle, swine and like stock; those composed of turf shall be at least four feet high and with ditches on either side at least three feet wide at the top and three feet deep; and what is known as a worm fence shall be at least five feet high to the top of the rider, or if not ridered, shall be five feet to the top rail or pole, and shall be locked with strong rails or poles or stakes; those composed of stone or brick shall be at least four and one-half feet high; provided, that in counties in this state in which swine are restrained from running at large, all fences built of posts set firmly in the ground, not more than sixteen feet apart, and three barbed wires tensely stretched and securely fastened thereto, and the upper wire being substantially four feet from the ground, and the two remaining wires placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and rails, or posts and slats, with posts set firmly in the ground, not more than ten feet apart, and with three rails or slats securely fastened thereto, and the upper rail or slat being placed substantially four and one-half feet from the ground, and the two remaining rails or

slats to each panel being placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and boards, with posts set firmly in the ground, not more than eight feet apart, and board substantially one inch thick and six inches wide, securely fastened thereto, and the upper board being at least four and one-half feet high, and the remaining boards placed at proper distances below, to resist horses, cattle and like stock, shall be deemed and held to be a good and lawful fence; provided, that nothing contained in this section shall be so construed as to relieve any railroad company from the obligation of fencing the right-of-way of said company against hogs, sheep, cattle, horses and like stock.] **1. Any fence consisting of posts and wire or boards at least four feet high which is mutually agreed upon by adjoining landowners or decided upon by the associate circuit court of the county is a lawful fence.**

**2. All posts shall be set firmly in the ground not more than twelve feet apart with wire or boards securely fastened to such posts and placed at proper distances apart to resist horses, cattle and other similar livestock.**

272.040. Upon complaint of [the party injured to any circuit or associate circuit judge of the county, such circuit or] **either party claiming to be injured because of the trespass or taking up of livestock as described in section 272.030, the** associate circuit judge shall, without delay, issue an order to three disinterested householders of the neighborhood, not of kin to either party, reciting the complaint, and requiring them to view the [hedge or] fence where the trespass is complained of, and take memoranda of the same, and appear before the [judge] **court** on the day set for trial; and their evidence shall determine the lawfulness of such fence. **The persons appointed by the associate circuit judge shall be paid twenty-five dollars each per day for the time actually employed which shall be taxed as costs in the case equally against the parties and collected accordingly.**

272.050. If any person [damnified for want of such] **who does not maintain a** sufficient [hedge or] fence, shall hurt, wound, lame, kill or destroy,

or cause the same to be done by shooting, worrying with dogs, or otherwise, any of the animals in this chapter mentioned, such [persons] **person** shall satisfy the owner in double damages with costs.

272.060. [Whenever the fence of any owner of real estate, now erected or constructed, or which shall hereafter be erected or constructed, the same being a lawful fence, as defined by sections 272.010 and 272.020, serves to enclose the land of another, or which shall become a part of the fence enclosing the lands of another, on demand made by the person owning such fence, such other person shall pay the owner one-half the value of so much thereof as serves to enclose his land, and upon such payment shall own an undivided half of such fence.] **1. Whenever the owner of real estate desires to construct or repair a lawful fence, as defined by section 272.020, which divides his or her land from that of another, such owner shall give written notice of such intention to the adjoining landowner. The landowners shall meet and each shall construct or repair that portion of the division fence which is on the right of each owner as the owners face the fence line while standing at the center of their common property line on their own property. If the owners cannot agree as to the part each shall construct or keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township or county to appear on the premises, giving three days' notice to each of the parties of the time and place where such viewers shall meet, and such viewers shall, under oath, designate the portion to be constructed or kept in repair by each of the parties interested and notify them in writing of the same. Such viewers shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as court costs.**

**2. Existing agreements not consistent with the procedure prescribed by subsection 1 of this section shall be in writing, signed by the agreeing parties, and shall be recorded in the office of the recorder of deeds in the county or counties where the fence line is located. The agreement shall describe the land and the portion of partition fences between their lands**

**which shall be erected and maintained by each party. The agreement shall bind the makers, their heirs and assigns.**

272.070. [If the parties interested shall fail to agree as to the value of one-half of such fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay, issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the associate circuit judge on the day named in the order.] **If either party fails to construct or repair his or her portion of the fence in accordance with the provisions of section 272.060 within a reasonable time, the other may petition the associate circuit court of the county to authorize the petitioner to build or repair the fence in a manner to be directed by the court. If the court authorizes such action, the petitioner shall be given a judgment for that portion of the total cost of the fence which is chargeable as the other party's portion of the fence, court costs and reasonable attorney's fees. Any such judgment shall be a lien on the real estate of the party against whom the judgment may be given.**

272.100. The persons appointed by the associate circuit judge [under sections 272.070 and 272.090] **pursuant to section 272.040** to discharge the duties therein specified, shall receive [one dollar] **twenty-five dollars** each per day for the time actually employed, which[, together with the fees of the associate circuit judge and sheriff,] shall be taxed as costs in the case against the parties [in proportion to their respective interests,] and collected accordingly.

272.110. Every person owning a part of a division fence shall keep **his or her portion** of the same in good repair according to the requirements of this chapter, and [when said division fence is a hedge, shall properly trim the same at least once a year, to a height not greater than four and one-half feet, and to a breadth not greater than three feet, and for the purpose of trimming said hedge as aforesaid, he shall have the right to] **may** enter upon any land lying adjacent thereto **for such**



**purpose.** [Either party owning land adjoining a division fence or hedge may, upon the failure of any of the other parties, have all that part of such division fence belonging to such other parties repaired, upon the failure of such other party to do so, such repairing or trimming to be at the cost of the party so failing to repair or trim his part of such fence; and the party so repairing or trimming such hedge shall always throw the brush trimmed off on his own side of such hedge; and upon neglect or refusal to keep said fence in repair, or to keep said hedge trimmed as provided in this section, such owner shall be liable in double damages to the party injured thereby, and such injured party may enforce the collection of such damages by restraining any cattle or other stock that may break in or come upon his enclosure by reason of the failure of such other party to keep his portion of such division fence in repair and proceeding therewith under the provisions of sections 270.010 to 270.200, RSMo.]

272.130. Any person aggrieved by any order or judgment of the associate circuit judge made or entered [under] **pursuant to** the provisions of [sections 272.040, 272.070 and 272.090] **section 272.040 or 272.070** may have the same reviewed in the same manner as other civil actions.

**272.132. If either of two adjoining landowners does not need a fence, the landowner that needs a fence may build the entire fence and report the total cost to the associate circuit judge who shall authorize the cost to be recorded on each deed. Should the landowner that claimed no need for a fence subsequently place livestock against the fence, the landowner that built the fence shall be reimbursed for one-half the construction costs share to be determined as provided in section 272.060.**

**272.134. Nothing in this chapter shall prevent adjoining landowners from agreeing that no fence is needed between their property.**

**272.136. Nothing in this chapter shall prevent either of adjoining landowners from building the landowner or the landowner's neighbor's portion of a fence in excess of the lawful fence requirements prescribed by this**

## **chapter.**

[272.150. The owners and occupiers of saltpeter works within this state shall keep the same enclosed with a good and lawful fence, so as to prevent horses, cattle and other stock that may receive injury thereby from having access thereto.]

[272.160. Every person, owner or occupier of any saltpeter works within this state, failing to secure the same, with a good and lawful fence, from horses, cattle and any kind of stock that may be injured by drinking the saltpeter water, shall be liable to an action by the party injured by such neglect for double the value of such horses, cattle or other stock injured or killed by drinking such water, to be recovered in any court having competent jurisdiction to try the same.]

[272.170. Hereafter all persons owning or running cotton gins in the state of Missouri shall keep them enclosed with a sufficient fence to keep out hogs.]

[272.180. They shall not allow the cotton seed from their gin to be scattered or thrown outside of the enclosure.]

[272.190. Any person violating the provisions of sections 272.170 and 272.180 shall be liable for all damage accruing therefrom.]

[272.200. All lands, within this state, upon which sorghum or other poisonous crops are planted shall be enclosed by the owners and occupiers with a good and lawful fence so as to prevent horses, cattle or other stock that may receive injury thereby from having access thereto; provided, that a lawful fence as used in this section shall be construed to mean such fences as are described elsewhere in this chapter and that the same penalties for damages as provided in section 272.160 shall be recoverable under this section; provided

further, that this law shall not apply to counties and townships that have or may hereafter adopt a stock law.]

[272.210. As used in sections 272.210 to 272.370 the following words and terms have the following meanings:

(1) "Lawful fence", a fence with not less than four boards per four feet of height; said boards to be spaced no farther apart than twice the width of the boards used fastened in or to substantial posts not more than twelve feet apart with one stay, or a fence of four barbed wires supported by posts not more than fifteen feet apart with one stay or twelve feet apart with no stays, or any fence which is at least equivalent to the types of fences described herein;

(2) "Stay", a vertical member attached to each board or wire comprising the horizontal members of the fence.]

[272.220. All fields and enclosures in which livestock are kept or placed shall be enclosed by a lawful fence.]

[272.230. If any horses, cattle or other stock trespass upon the premises of another, the owner of the animal shall for the first trespass make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or animals and take good care of them and immediately notify the owner, who shall pay to the taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up cannot agree upon the amount of the damages and compensation either party may make complaint to an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate circuit

judge shall be possessed of the cause, and shall issue a summons to the adverse party and proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and any damages he may have sustained, and the associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition to a general judgment and execution, he shall have a special execution against the animals to pay the judgment rendered and costs.]

[272.235. If there is a need for a fence by either of two joining landowners both shall be obligated to build and maintain a fence under the provisions of sections 272.210 to 272.370. Nothing in sections 272.210 to 272.370 shall prevent joining landowners from agreeing that no fence is needed between their property.]

[272.240. Whenever the owner of real estate desires to erect or construct a lawful fence which wholly or partially borders the land of another, he shall notify the other owner that he desires a division fence. If within ninety days after receiving the notice, the other landowner has not erected or constructed one-half of the division fence, the owner desiring the fence may apply to the associate division of the circuit court for an order to proceed with the construction and ordering the other landowner to pay one-half the value of so much thereof, as borders his land, and upon the payment shall own an undivided one-half of the fence; except that no owner shall be required to pay more than one-half the value of a lawful fence of four barbed wires, regardless of the type fence constructed. The associate division of the circuit court costs shall be taxed against the other landowner.]

[272.250. If the parties interested fail to agree as to the value of one-half of

the fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the judge on the day named in the order.]

[272.260. If the person thus assessed or charged with the value of one-half of any fence, under the provisions of sections 272.210 to 272.370 shall neglect or refuse to pay over to the owner of the fence the amount so awarded, the same may be recovered before a court of competent jurisdiction.]

[272.270. 1. The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. Any such agreement shall bind the makers, their heirs and assigns.

2. When one owner desires to make a division of the fence between his land and an adjoining landowner refuses to agree to a division, then the provisions of section 272.280 may be used to effect a division which shall be recorded in the office of the recorder of deeds in the county in which most of the fence is located.]

[272.280. If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to a circuit or associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall

meet, and the viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.]

[272.290. Whenever the fence of any owner of real estate now erected or constructed, or which shall hereafter be erected, constructed or rebuilt, the same being thereafter a fence designed to restrain swine, sheep or other animals requiring special fences, borders the land of another or which becomes a part of the fence bordering the land of another and is used to enclose such animals owned by the other person, on demand made by the person owning the fence, the other person shall pay the owner one-half of the value of so much thereof as borders his land, and upon the payment shall own an undivided half of the fence; except that no owner shall be required to pay more than the amount which would have been required to erect, construct or rebuild a lawful fence of four barbed wires on his one-half of the fence.]

[272.300. The persons appointed by the judge under sections 272.250 and 272.280 to discharge the duties therein specified, shall receive five dollars each per day for the time actually employed, which, together with the fees of the judge and sheriff, shall be taxed as costs in the case against the parties in proportion to their respective interests, and collected accordingly.]

[272.310. Every person owning a part of a division fence shall keep the same in good repair according to the requirements of sections 272.210 to 272.370. Either party owning land adjoining a division fence may, upon the failure of any of the other parties, have all that part of the division fence belonging to the other parties repaired, upon the failure of the other party to do so, the repairing to be at the cost of the party so failing to repair his part of the

fence.]

[272.330. 1. The provisions of sections 272.240 to 272.350 shall apply to any division fence even though it may stand wholly upon one side of the division line.

2. The provisions of sections 272.210 to 272.370 shall not apply to counties which have all or partial open range.]

[272.340. Any person aggrieved by any order or judgment of the judge made or entered under the provisions of sections 272.250 and 272.280 may have the same reviewed by a petition in the circuit court of the county wherein the proceedings were had, verified by affidavit. A copy of the petition shall be delivered to the adverse party at least fifteen days before the commencement of the next term of the court, and the original filed in the office of the clerk; provided, that the petition may be filed within thirty days after the order or judgment was made or rendered, and not afterward.]

[272.350. The petition shall set forth the grounds of objection, and upon the filing thereof the circuit court shall be possessed of the cause, and proceed to hear and determine the objections, and make such order or judgment as may be right and just in the premises.]

[272.360. The provisions of sections 272.210 to 272.370 are hereby suspended in the several counties of this state until a majority of the legal voters of any county voting on the question at any general or special election called for that purpose shall decide to enforce the same in the county.]

[272.370. The county commission may on its own motion and shall upon the petition of one hundred real estate owners of ten acres or more of the county submit to the voters at a general or special election the proposition for the adoption by the county of the provisions of sections

272.210 to 272.370. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. If a majority of the voters voting on the proposition vote in favor of the adoption of the provisions of sections 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full force and effect in the county and the provisions of sections 272.010 to 272.140 shall be suspended in the county.]"; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Lines 2 to 5, by deleting all of said lines and inserting in lieu thereof the following: "**if that person purposely spreads any type of contagious, communicable or infectious disease among livestock as defined in section 267.565, RSMo, or other animals.**

**2. Spreading disease to livestock or animals is a class D felony unless the damage to the livestock or animals is ten million dollars or more in which case it is a class B felony.**"; and

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

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 462, Page 17, Section 278.300, Line 9, by inserting after all of said line the following:

**“281.215. 1. There is hereby created in the state treasury the “Pesticide Project Fund”. The annual registration fees imposed in section 281.260 shall be credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:**

**(1) Up to ten percent for the administration of the fund;**

**(2) Up to ten percent for the pesticide education through the pesticide applicator training (PAT) program at the University of Missouri;**

**(3) Up to fifteen percent for the integrated pest management (IPM) practices through the integrated pest management program in the department of agriculture;**

**(4) Up to forty percent for the sustainable agriculture program in the department of agriculture and marketing of products carrying the AgriMissouri or successor trademark pursuant to sections 261.230 to 261.239, RSMo;**

**(5) Up to ten percent for the agriculture awareness program in the department of agriculture;**

**(6) Up to fifteen percent for pesticide and water quality monitoring projects; and**

**(7) Any remaining moneys may be used to fund other pest related issues as determined by the director.**

**2. To be eligible for moneys in the pesticide project fund, the entities listed in subsection 1 of this section shall submit a proposed project plan to the director by March thirty-first prior to the fiscal year in which the moneys are to be allocated. Allocation of project moneys will be dependent upon an executed memorandum of understanding between the entity receiving the moneys and the director.**

**3. Within thirty days of the end of the state fiscal year in which moneys are allocated, the entities listed in subsection 1 of this section shall submit to the director a report which shall contain an accounting of all moneys expended from the pesticide project fund during such fiscal year and a report of the project or**

**projects for which the moneys were utilized.**

**4. Any unobligated or unexpended project moneys allocated to an entity shall revert to the pesticide project fund within sixty days of the close of the project.**

**5. If an entity fails to complete a project as outlined in the project plan and memorandum of understanding, the entity shall submit partial or full payment of the allocated moneys to the pesticide project fund as determined by the director.**

**6. No moneys, except moneys for pesticide project fund administration, shall be withdrawn from the fund prior to July 1, 2002.**

**7. The maximum balance allowable in the pesticide project fund shall be two million dollars. Any moneys in excess of two million dollars shall revert to the general revenue fund at the end of the fiscal year.**

**8. The pesticide project fund shall be administered by the plant industries division within the department of agriculture.**

**281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.**

**2. The registrant shall file with the director a statement including:**

**(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;**

**(2) The name of the pesticide;**

**(3) Classification of the pesticide; and**

**(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.**

**3. The registrant shall pay an annual fee of [fifteen] one hundred dollars for each product registered in any calendar year or part thereof. The**

fee shall be deposited in the state treasury to the credit of the [general revenue fund] **pesticide project fund established in section 281.215**. All such registrations shall expire on December thirty-first of any one year, unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of [five dollars] **twenty-five percent** shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the

requirements of sections 281.210 to 281.310, [he] **the director** shall register the pesticide.

8. Provided the state is authorized to issue experimental use permits, the director may:

(1) Issue an experimental use permit to any person applying for an experimental use permit if [he] **the director** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide [under] **pursuant to** sections 263.269 to 263.380. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

(2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;

(3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

9. If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or canceled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be canceled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the

pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

10. Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

11. The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other.”; and

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

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

**“Section 1. Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own private water systems and ground source systems anytime and anywhere including land within city limits, unless prohibited by city ordinance, on their own property so long as all applicable rules and regulations established by the Missouri department of natural resources are satisfied. All Missouri landowners who choose to use their own private water system shall not be forced to purchase water from any other water source system servicing their community.”; and**

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

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 462, Page 17, Section 278.300, Line 9, by inserting immediately after said line the following:

“322.010. For the purpose of sections 322.010 to [322.080] **322.145**, the following words and

following phrases shall be considered and held to mean the following:

(1) “Affected with rabies” [shall mean when manifesting the principal characteristic symptoms of rabies as described in the standard textbooks treating upon the diseases of domestic animals], **infected with the rabies virus as determined by standard laboratory testing;**

(2) “Exposed to rabies” [shall mean], when bitten by, or fought with, or has come in close contact with a dog [showing symptoms of rabies] **or other animal shown to be infected with the rabies virus as determined by standard laboratory testing;**

(3) “Immunized” [shall mean], immunized against rabies at the expense of the owner or custodian by the administration of antirabic virus by a licensed veterinarian; [and]

(4) “Rabies” [shall mean], hydrophobia; **and**

(5) **“Zoonotic disease”, a dangerous disease communicable from animals to humans as determined by the department of health.**

**322.140. 1. If a county does not adopt rules and regulations pursuant to sections 322.090 to 322.130, whenever an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the incident shall be immediately reported to the county health department. The county health department shall immediately report the incident to the department of health and shall cooperate fully with the department of health in its investigation.**

**2. Upon receipt of an incident report where an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the department of health shall investigate the incident and shall have discretion to order the animal quarantined, isolated, impounded, tested, immunized or disposed of to prevent and control rabies or zoonotic disease.**

**3. With regard to exposure to rabies or zoonotic disease the department of health shall, in its investigation and issuance of its order, consider the following:**

(1) **Prior vaccinations for rabies or zoonotic**

disease;

(2) The degree of exposure to rabies or zoonotic disease;

(3) The history and prior behavior of the animal prior to exposure;

(4) The availability and effectiveness of human post-exposure immunization for rabies or zoonotic disease;

(5) The willingness of the individual so exposed to submit to post-exposure immunization for rabies or zoonotic disease; and

(6) Any other relevant information.

4. It shall be unlawful for the owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to knowingly fail or refuse to comply with a lawful order of the department of health declaring a quarantine, isolation, impounding, testing, immunization or disposal of an animal. It shall also be unlawful for an owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to sell, give away, transfer, transport to another area or otherwise dispose of an animal until the animal has been released by the department of health. A violation of this subsection shall be a class A misdemeanor.

5. The owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease shall be responsible for all costs associated with the department of health's investigation of the incident, including but not limited to:

(1) The cost to quarantine, isolate, impound, immunize or dispose of the animal;

(2) The cost to test the animal for rabies or zoonotic disease;

(3) The cost to test the exposed person for rabies or zoonotic disease; and

(4) The cost to treat the person exposed to rabies or zoonotic disease.

6. The department of health shall have authority to promulgate rules and regulations concerning the classification of disease as a

zoonotic disease pursuant to subdivision (5) of section 322.010 and concerning the payment of costs associated with the department of health's investigation of the incident pursuant to subsection 5 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

7. Any moneys collected pursuant to subsection 5 of this section for costs associated with the department of health's investigation of the incident shall be collected by the department of health, who shall transmit them to the department of revenue for deposit in the state treasury to the credit of the Missouri public health services fund.

322.145. The owner of an animal that is known to have bitten or otherwise possibly transmitted rabies or any zoonotic disease shall be liable to an injured party for all damages done by the animal.”; and

Further amend said bill, page 27, section 578.008, line 5, by inserting immediately after said line the following:

“578.012. 1. A person is guilty of animal abuse when a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care or



adequate control.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

[3. For purposes of this section, “animal” shall be defined as a mammal.]

578.023. 1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, **bear, nonhuman primate, [or] coyote, [or] any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight feet long,** in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the local law enforcement agency in the county in which the animal is kept.

2. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.”; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 462, Page 7, Section 262.800, Line 73, by deleting Lines 73, 74 and 75, and inserting in lieu thereof the following:

“tract of land until any improvement on such property is connected to the rural water supply district. At the time such connection is made, the provisions of the farmland protection act shall apply.”; and

Further amend said bill, Page 8, Line 15, by adding after the word “property” the following: “These activities and conditions may already be regulated by state, federal or local law and nothing herein is meant to exempt such property from any such laws or regulations but is simply notification to purchasers that living in a rural environment

does not mean you will live in an environment free of conditions you find irritating, dangerous, or unpleasant.”.

#### HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 462, Page 9, Section 274.060, Line 27, by inserting after all of said line the following:

“278.080. 1. There is hereby established “The State Soil and Water Districts Commission” to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and it shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of

the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of June 27, 2000, may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall

provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;

(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**6. Unless prohibited by any federal or state law, the commission may grant individual variances to any rule or regulation promulgated thereto, upon presentation of adequate proof, that compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement, limitation or order of the commission will have an arbitrary and unreasonable impact on landowners participating in soil and water conservation eligible practices. The commission shall promulgate such rules, regulations and administrative guidelines as necessary to effectively administer this section.”; and**

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

#### HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 462, Page 10, Section 278.240, Line 7, by deleting all of said line and inserting in lieu thereof the following:

“2. Five [persons] **landowners** living within the [subdistrict] **watershed district** shall be”; and

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

#### HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 6, by inserting the following:

“3. It shall be a defense to the crime of spreading disease to livestock or animals if such spreading is consistent with medically recognized therapeutic procedures.”.

#### HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 462, Page 7, Section 262.802, Line 84-88, by deleting all of said lines; and

Further amend said bill, Page 8, Lines 89-90, by deleting all of said lines and inserting in lieu thereof the following:

“14. If a political subdivision files any action challenging the constitutionality or to have all or any portion declared null and void or for declaratory judgement of sections 262.800 to 262.810, the state shall be added as a party to any such action and the attorney general of Missouri shall defend such action. Any owner of property that is subject to the provisions of the farmland protection act shall have the right to be apprised of the status of such action. If the property owner requests separate representation in writing, the attorney general may appoint a special assistant attorney general if the property owner asserts an argument in conflict with the arguments asserted by the attorney general. Such special assistant attorney general may continue to represent the property owner for purposes of all appeals. If the political subdivision fails to prevail, whether in whole or in part, in its action, the entire cost of providing representation to the landowner, including

reasonable attorney fees and costs, shall be fully reimbursed to the State of Missouri by the political subdivision.”.

#### HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

“570.033. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive [him] **the other** of [his] **such** property is guilty of a class [D] **C** felony.”; and

Further amend said bill in the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

“566.111. 1. For purposes of this section, the following terms mean:

(1) “Animal”, every creature, either alive or dead, other than a human being;

(2) “Sexual conduct with an animal”, any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying sexual desire.

2. No person shall engage in any sexual conduct with an animal, or cause, aid or abet another person to engage in any sexual conduct with an animal. No person shall permit any sexual conduct with an animal on any premises under such person's charge or control. No person shall engage in, promote, aid or abet any activity involving any sexual conduct with an animal for commercial or recreational purposes.

3. Any person who violates this section shall be guilty of a class D felony. Any person who violates this section in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a class C felony.

4. In addition to the penalty imposed, the court may:

(1) **Prohibit the defendant permanently or for a reasonable time from harboring animals or residing in any household where animals are present;**

(2) **Order the defendant to relinquish and permanently forfeit all animals residing in the defendant's household to a recognized or duly incorporated animal shelter or humane society, and order the defendant to reimburse such shelter or humane society for all reasonable costs incurred for the care and maintenance of the animals involved in the violation of this section; and**

(3) **Order psychological evaluation and counseling of the defendant, at the defendant's expense.**

5. **Nothing in this section shall be construed to prohibit generally accepted animal husbandry practices or generally accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.**

6. **Any person acting under authority of this section may seize any and all animals involved in the alleged violation. The defendant charged with violating this section shall be provided a disposition hearing pursuant to section 578.018, RSMo.”; and**

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 353**.

With House Committee Amendment No. 1.

#### HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 353, Page 6, Section 163.011, Line 166, by placing an opening bracket “[” immediately in front of the word “except”; and

Further amend said bill, page 6, section 163.011, line 177, by placing a closing bracket “]” immediately after the word “entitlement;”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 568**, entitled:

An Act to authorize the exchange of property interest owned by the state and certain cities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 451**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 352**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 178**, entitled:

An Act to repeal sections 347.189 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 345**, entitled:

An Act to repeal sections 71.285, 82.300 and 347.189, RSMo 2000, relating to property maintenance and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 515**, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 540**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 619**, entitled:

An Act to repeal section 190.109, RSMo 2000, and to enact in lieu thereof four new sections relating to the state fair, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the

Senate Committee Substitute, hereto attached, do pass.

### CONCURRENT RESOLUTIONS

Senator Goode moved that **HCR 5**, with **SS** (pending), be taken up for adoption, which motion prevailed.

**SS** for **HCR 5** was again taken up.

Senator Klarich offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Concurrent Resolution No. 5, Page 3, Line 20, by inserting immediately after the word "relevant" the following:

**“with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state;”**; and

Further amend said Resolution, Page 4, Line 1, by inserting immediately after the word “report,” the following:

**“which must at a minimum include a detailed summary of the committee’s analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of customers in this state currently and over the next ten years and incentives for ongoing investment and allowing retail customers having load at a single premises in excess of 1 or 2 MW**

**to utilize alternative sources of supply without adversely affecting state and municipal tax revenues,”**; and

Further amend said Resolution, Page 4, Line 4, by inserting immediately after the word “Assembly” the following:

**“but in any event no later than December 1, 2001,”**.

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

Senator Goode moved that **SS** for **HCR 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **HCR 5**, as amended, was adopted by the following vote:

#### YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

#### NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senator Carter—1

### HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HCS** for **HB 567**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HCS** for **HB 567** was again taken up.

Senator Klarich offered **SS** for **SCS** for **HCS** for **HB 567**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 567

An Act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 209.251, 214.275,

214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.147, 324.177, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 332.072, 332.311, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 338.030, 338.043, 338.055, 338.210, 338.220, 338.285, 338.353, 339.090, 345.080, 620.010 and 621.045, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof one hundred forty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Klarich moved that **SS** for **SCS** for **HCS** for **HB 567** be adopted.

Senators Schneider and Klarich offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 216, Section 620.045, Line 5, by inserting after all of said line the following:

**“Section 1. 1. Notwithstanding any other provision of law, when the Division of Professional Registration intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars, modification or potential reduction of a party’s financial obligation to the state in excess of one hundred thousand dollars, the Division of Professional Registration shall forward a copy to the attorney general before entering into that contract, subcontract or other written agreement or approving the letter of intent.**

**2. Upon receiving the contract, other written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract, other written contract or letter of intent for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, other written agreement or letter of intent with additional proposed provisions as may be necessary to the proper enforcement of the contract as required to protect the state’s legal interest. If the attorney general does not respond within ten days or, in the case of any contract that involves a payment of money by the state or a modification or potential reduction of a party’s financial obligation to the state of one million dollars or more, within thirty days, the contract shall be deemed approved.**

**3. Communications related to the attorney general’s review are attorney-client communications. The attorney general’s written disposition shall be subject to chapter 610, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

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

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 4, Section 167.181, Line 27, after the word “child” add “s teeth”.

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

Senator Klarich offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 213,

Section 620.010, Line 7 of said page, by inserting after all of said line the following:

**“620.151. For the purpose of determining whether cause for discipline or denial exists under the statutes of any board, commission or committee within the division of professional registration, any licensee, registrant, permittee or applicant that tests positive for a controlled substance, as defined in chapter 195, RSMo, is presumed to have unlawfully possessed the controlled substance in violation of the drug laws or rules and regulations of this state, any other state or the federal government unless he or she has a valid prescription for the controlled substance. The burden of proof that the controlled substance was not unlawfully possessed in violation of the drug laws or rules and regulations of this state, any other state or the federal government is upon the licensee, registrant, permittee or applicant.”;** and

Further amend the title and enacting clause accordingly.

Senator Mathewson offered SA 4:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by adding after said line the following:

**“324.1005. 1. As used in sections 324.1005 to 324.1017, the following terms mean:**

(1) **“Amusement machine”, any machine, device or apparatus which provides amusement, diversion or entertainment, which is coin-operated and operational results of which depend in whole or in part upon the skill of the player, regardless of whether an award is afforded to a successful player. Such phrase includes any machine, device or apparatus not otherwise excluded by this section and also includes, but is not limited to, such games as radio rifles, miniature football, golf, baseball, hockey, basketball, bumper pool, tennis, shooting galleries, pool tables, shuffleboard, pinball tables, cranes, video games, claw machines, bowling machines, countertop**

**machines, novelty arcade machines and other miniature games, regardless of whether a score shows;**

(2) **“Amusement machine operator”, a person engaged in the business of owning, buying, selling, renting, leasing, trading, or furnishing amusement machines to another; except that the phrase shall exclude an individual who owns and operates an amusement machine for personal use and amusement in such individual's private residence. All amusement machines owned and operated by a business or organization and located on the premises of such business or organization as of August 28, 2001, and used for the amusement of the customers or members of that business or organization, shall be exempt from the requirements and rights of amusement machine operators set forth in sections 324.1005 to 324.1017. Any additional machines which such business or organization acquires or begins to operate after August 28, 2001, shall be subject to the provisions of sections 324.1005 to 324.1017 and the business or organization shall thereafter be required to obtain a license pursuant to sections 324.1005 to 324.1017;**

(3) **“Award”, a noncash prize, toy, item of merchandise or novelty which shall be located and redeemed solely on the premise where an amusement machine is played. The term shall exclude cash, gift certificates, intoxicating beer and liquor, nonintoxicating beer and tobacco products. The value of an award for a single play shall not exceed the greater of a single play of the amusement machine or the wholesale value of five dollars. The value of an award from an accumulation of successful plays shall not exceed a wholesale value of more than two hundred fifty dollars;**

(4) **“Coin-operated machine”, any amusement machine which is operated by placing through a slot or any kind of opening or container any coin, slug, token, paper money or other object or article necessary to be inserted before the machine operates or functions. The term does not include any machine or device which is classified by the United States**



government as requiring a federal gaming stamp pursuant to applicable provisions of the Internal Revenue Code;

(5) “Director”, the director of the division of professional registration of the department of economic development;

(6) “Person”, any individual, firm, association, company, partnership or corporation;

(7) “Redemption machine”, an amusement machine from which a successful player receives a redeemable award. An immediate right of replay shall not be considered a redeemable award. No redemption machine shall act as a lottery or gift enterprise, or simulate a slot machine or any gambling game of skill or video representations which are specifically enumerated in subdivision (12) of subsection 1 of section 313.800, RSMo, as of August 28, 1999.

2. No person shall act as an amusement machine operator without first obtaining an amusement machine operator license from the director. Such license shall be renewed biennially on or before July first of each year. The biennial fee for a license to operate amusement machines shall be set by the director at an amount necessary to cover administration costs of the licensing program established in sections 324.1005 to 324.1017, but shall not exceed one thousand five hundred dollars. The biennial fee for a license to operate any number of amusement machines only at carnivals, circuses, local or county fairs or the state fair shall be one hundred dollars for each month of such two-year period in which amusement machines are operated. Any person making an initial application for a license after January first of the year shall be charged a prorated amount of such license. A licensed amusement machine operator shall not transfer his or her license number or allow another person to use his or her license number.

3. A person may obtain an amusement machine operator license if such person has the following qualifications:

(1) Such person, if an individual, is at least twenty-one years of age, or such person, if a business, is in part owned by at least one individual who is at least twenty-one years of age;

(2) Such person, if an individual, is currently a resident of this state and has been such continuously for at least one year before the date of such person's application or, if such person is a business, is in part owned by at least one individual who is currently a resident of this state, has been such continuously for at least one year before the business's application and such person shall be the party accountable for the collection and reporting of all of the business's state taxes, fees and compliance. The residency requirement shall not apply to a person whose operation of amusement machines is limited exclusively to carnivals, circuses, local or county fairs or the state fair and shall not apply to a person who was doing business in Missouri and paying Missouri sales tax on revenues from amusement machines on or before December 31, 2000; and

(3) Such person shall show a Missouri sales tax number and proof that Missouri sales tax has been paid on all business dealings previously undertaken in this state.

4. Any person who acts as an amusement machine operator without first obtaining a license from the director may be assessed a penalty of up to one hundred dollars for each amusement machine in such person's possession and the director may seize any amusement machines in such person's possession and initiate or authorize the attorney general to initiate legal proceedings.

324.1008. All licensed amusement machine operators shall identify each of their amusement machines with a decal. Such decal shall be provided by the operator and shall contain the license number of the operator and any other information the director may require. Each amusement machine operator shall place such decal in a prominent location on each machine owned or operated by him or her.

**324.1011. 1. The director is authorized to:**

(1) Promulgate rules necessary to implement sections 324.1005 to 324.1017;

(2) Issue warnings, probations, suspensions and revocations to an amusement machine operator who violates sections 324.1005 to 324.1017;

(3) Prescribe all forms, applications, and licenses;

(4) Examine only those books and records of persons applying for an amusement machine operator license or of persons licensed as amusement machine operators that directly pertain to amusement machine activities, including local and state sales tax records; and may only investigate an operator of amusement machines after receiving a written complaint or request to take action from a Missouri citizen or law enforcement agency.

2. Any party aggrieved by any action of the director shall have the right to appeal to the administrative hearing commission from any finding, order or decision of the director. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date of this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission. The procedures applicable to the

processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission pursuant to this section shall be binding subject to appeal by either party.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

324.1014. All fees provided for in sections 324.1005 to 324.1017 shall be collected by the director, who shall transmit the funds to the director of revenue to be deposited in the state treasury to the credit of the "Amusement Machine Operator License Fund" which is hereby created. The fund shall be administered by the director. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1005 to 324.1017. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, no appropriation made to the fund shall lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

324.1017. Sections 324.1005 to 324.1017 shall not become effective until expenditures are specifically appropriated or personnel are specifically authorized for the purpose of performing the duties specified therein and the initial rules filed, if appropriate, have become effective. The director shall have the authority to borrow funds from any agency within the division to commence operations upon appropriation for such purpose. This authority

shall cease at such time that a sufficient fund has been established by the agency to fund its operations and repay the amount borrowed.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by inserting after all of said line the following:

“324.700. As used in sections 324.700 to 324.745, unless the context provides otherwise, the following terms shall mean:

(1) “Division”, the division of motor carrier and railroad safety;

(2) “House”, a dwelling or other structure intended for human habitat in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo, or a modular unit;

(3) “Housemover”, a person actively engaged on a full-time basis in the intrastate movement of houses on public roads and highways of this state;

(4) “Housemoving”, engaging actively and directly on a full-time basis in the intrastate movement of houses on public roads and highways of this state;

(5) “Person”, an individual, corporation, partnership, association or any other business entity.

324.703. All persons who engage in the business of housemoving on the roads and highways of this state shall be licensed by the division of motor carrier and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

(1) The applicant must be at least eighteen

years of age and have at least twenty-four months experience in moving houses;

(2) The applicant must furnish proof that all of the vehicles to be used in the movement of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent pertaining to the inspection of motor vehicles;

(3) The applicant must exhibit his federal employer's identification number; and

(4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carrier and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.

324.709. A license issued pursuant to sections 324.700 to 327.742 shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;

(2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to

this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;
- (2) Nonrenewal of the policy by the company; or
- (3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as housemovers shall also be required to secure a special permit, as provided for pursuant to section 304.200, RSMo, from the chief engineer of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the chief engineer if the chief engineer determines that the applicant:

- (1) Is properly licensed pursuant to sections 324.700 to 324.745;
- (2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.712; and
- (3) Is complying with such other regulations as required by the division of motor carrier and railroad safety.

2. A license shall not be required for individuals moving their own houses from or to

property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.718. 1. Application for a special permit to move a house must be made to the chief engineer of the department of transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the chief engineer.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The chief engineer shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the house to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the chief engineer on appeal. After reviewing the route and travel plan, the chief engineer may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the house, the distance the house is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur may be required if deemed necessary by the chief engineer.

324.721. All obstructions, including traffic

signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the housemover, provided that arrangements for and approval from the owner is obtained.

**324.724.** Irrespective of the route shown on the special permit, an alternate route will be followed:

(1) If directed by a peace officer;

(2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or

(3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department of transportation prior to proceeding.

**324.727.** The house to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

**324.730.** No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

**324.733.** The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration of a permit, or unauthorized use of a permit will render the permit void.

**324.736.** All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

**324.739.** The speed of moves will be that

which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

**324.742.** Any person violating sections 324.700 to 324.745 or the regulations of the division or department of transportation shall be guilty of a class A misdemeanor.

**324.745. 1.** If any provisions of sections 324.700 to 324.745, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision of sections 324.700 to 324.745 other than those as to which it is held valid, shall not be affected thereby.

**2.** Nothing in sections 324.700 to 324.745 shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

**3.** The provisions of sections 324.700 to 324.745 shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all applicable provisions of federal and state law with respect to the movement of such property.”; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered SA 6:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19, by inserting after all of said line the following:

“**324.750.** For the purpose of sections 324.750 to 324.780, the following terms shall mean:

(1) “Department”, the department of economic development;

(2) “Malpractice”, failure on the part of a person certified under this chapter to exercise

the degree of care, diligence and skill ordinarily exercised by naturopaths;

(3) “Naturopath”, an individual who engages in the practice of naturopathy;

(4) “Naturopathic client”, an individual who receives services from a naturopath;

(5) “Naturopathy”, a distinct system of noninvasive health practice in which neither surgery nor drugs are used, consisting instead of assessment, education, counseling and natural health modalities including, but not limited to, the use of foods, food extracts, vitamins, minerals, enzymes, digestive aids, herbs, botanical substances, homeopathic preparations, aromatherapy, air, water, touch, heat, cold, sound, light, iridology and exercise to help stimulate and maintain the body's intrinsic self-healing process;

(6) “Psychometrically valid and reliable”, developed on the basis of role delineation, validation, reliability, passing point, and sensitivity review factors, according to generally accepted standards.

324.753. 1. No individuals may represent themselves as certified to practice naturopathy in this state without first complying with this chapter.

2. Individuals certified pursuant to this chapter shall have the exclusive right to use the term certified in conjunction with the following titles and terms: “Naturopath”, “Naturopathic”, “Naturopathy” and “Naturopathic health care”.

324.756. Individuals certified pursuant to this chapter are authorized to practice naturopathy in conjunction with the term “certified”.

324.759. Naturopaths certified pursuant to this chapter may not:

(1) Prescribe, dispense, administer or make any recommendations pertaining to any legend or controlled substance as defined in the federal Controlled Substance Act, United States Code, Title 21, Sections 801 to 971;

(2) Perform surgical procedures;

(3) Practice emergency medicine, except as a Good Samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries;

(4) Practice or claim to practice medicine, surgery, osteopathy, dentistry, podiatry, optometry, chiropractic, physical therapy or obstetrics;

(5) Recommend discontinuance of medically prescribed treatments;

(6) Engage in sexual contact with a naturopathic client or former client, engage in contact that may be reasonably interpreted by a client as sexual, engage in any verbal behavior that is seductive or sexually demeaning to the patient, or engage in sexual exploitation of a client or former client. For the purposes of this subdivision, “former client” means a person who has obtained services from the naturopath within the past two years;

(7) Use advertising that is false, fraudulent, deceptive or misleading;

(8) Reveal a communication from, or relating to, a naturopathic client except when otherwise required or permitted by law;

(9) Fail to comply with a naturopathic client's request made pursuant to section 324.765 or to furnish a naturopathic client's record or report required by law;

(10) Split fees or promise to pay a portion of a fee to any other professional other than for services rendered by the other professional to the naturopathic client;

(11) Fail to provide a naturopathic client with a copy of the client bill of rights or violation of any provisions of the client bill of rights;

(12) Fail to provide a naturopathic client with a recommendation that the client see a licensed health care provider; or

(13) Use the title “doctor”, “Dr.” or “physician” alone or in combination with any other words, letters or insignia to describe the naturopathic practices provided by individuals

certified pursuant to this chapter.

**324.762. 1.** The department may adopt such rules as are necessary to carry out the purposes of this chapter including, but not limited to, investigation of complaints, imposition of sanctions from suspension of certification to revocation of certification. The department shall also establish fees based on its estimates of the revenue required to administer this chapter.

**2.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

**324.765. 1.** A person certified pursuant to this chapter may use the titles set forth in section 324.753.

**2.** All persons certified pursuant to this chapter shall provide to each naturopathic client prior to providing services a written copy of the naturopathic client bill of rights. A copy must also be posted in a prominent location in the office of the naturopath. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not speak English. The naturopathic client bill of rights shall include the following:

(1) The name, title, business address and telephone number of the individual certified pursuant to this chapter;

(2) The degrees, training, experience or other qualifications of the practitioner regarding the naturopathic services being provided, followed by the following statement in bold print:

**“THE STATE OF MISSOURI HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR CERTIFIED NATUROPATHS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY. Under Missouri law, a certified naturopath may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed health care provider, the client may seek such services at any time.”;**

(3) The name, business address and telephone number of the practitioner's supervisor, if any;

(4) Notice that a naturopathic client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) The name, address and telephone number of the department and notice that a client may file complaints with the department;

(6) The practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts medicare, medical assistance or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) A statement that the client has a right to reasonable notice of changes in services or charges;

(8) Notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;

(9) A statement that the client may expect to be treated courteously at all times;

(10) A statement that client's records are confidential, unless release of these records is

authorized in writing by the client, or otherwise provided by law;

(11) A statement of the client's right to be allowed access to records and written information from records in accordance with section 324.765;

(12) A statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun; or

(13) A statement that the client has a right to coordinated transfer when there will be a change in the provider of services.

324.768. 1. Prior to the provision of any services, a naturopathic client must sign a written statement attesting that the client has received the naturopathic client bill of rights.

2. The department shall issue a certificate to practice naturopathy together with the rights and privileges set forth herein to anyone who passes the exam in subsection 3 of this section, pays the required annual fees established by the department, is twenty-one years of age and is of good moral character.

3. An applicant for certification shall pass any one of the following examinations provided it is psychometrically valid and reliable:

(1) The examination offered by the American Board of Naturopathic Examiners (ABNE), a nonprofit corporation;

(2) The examination offered by the Natural Health Examination and Certification Board (NHECHB), a nonprofit corporation; or

(3) Any other examination that tests naturopathy as defined in this chapter and which is approved by the department. The examination may be passed prior to the effective date of this section.

324.771. 1. Nothing in this chapter may be construed to prohibit or to restrict:

(1) The practice of a profession by individuals who are licensed, certified or registered under other laws of this state who are performing services within their authorized

scope of practice;

(2) An individual from administering a domestic or family remedy;

(3) Persons from furnishing nutritional information or engaging in the explanation to customers about foods, food materials, vitamins, herbs or other dietary supplements in connection with the marketing, sale or distribution of those products;

(4) Any person certified pursuant to this chapter from engaging in the marketing and distribution of food and food materials, vitamins, herbs or other dietary supplements;

(5) A person or group who disseminates information or literature relating to the benefits or preparation of food, food materials or dietary or food supplements;

(6) A person or group who gives speeches, conducts seminars or teaches classes in natural health;

(7) A person or group who conducts exercise, fitness or weight control programs;

(8) A person or group who is traditionally recognized in the community as a provider of naturopathic advice including, but not limited to, a curandero or medicine man or woman, and who advises people according to or based on cultural practices;

(9) A person who practices animal nutrition;

(10) A person who practices midwifery.

2. This chapter recognizes that many of the techniques and modalities used in naturopathy including, but not limited to, the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, light and iridology are not the exclusive privilege of persons certified under this chapter, and their use by persons not certified by this chapter to assess, educate, advise and counsel others is not prohibited by this chapter and does not constitute the practice of medicine.

3. Nothing in this chapter shall be



construed to interfere with the religious practices or observances of a religion or religious organization, nor to prevent any person from caring for the sick in accordance with tenets and practices of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing.

324.774. The provisions of sections 324.750 to 324.777 are severable. If any part of sections 324.750 to 324.777 is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

324.777. 1. There is hereby created the "Missouri Naturopathic Advisory Committee", to be composed of five members to be appointed by the department.

2. The naturopathic advisory committee shall:

(1) Assist the department in conducting examinations for applicants of naturopathic certification;

(2) Advise the department on all matters pertaining to the certification of naturopaths;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.750 to 324.770 or regulations promulgated pursuant thereto and make recommendations to the department for action;

(4) Follow the provisions of the department's administrative practice procedures in conducting all official duties.

3. Each naturopathic advisory committee member shall:

(1) Be a citizen of the United States and a resident of the state of Missouri for five years next preceding appointment; and

(2) Be comprised of three certified naturopaths except for initial appointees; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public

member.

4. Except for the initial appointees, members shall hold office for terms of six years. The department shall designate one member for a term expiring in 2001, one member for a term expiring in 2002, one member for a term expiring in 2003, one member for a term expiring in 2004, and one member for a term expiring in 2005. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the department in the same manner as the other appointments."; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 157, Section 334.047, Line 7 of said page, by inserting after all of said line the following:

"334.480. 1. For purposes of sections 334.480 to 334.495, the term "board" shall mean the board of registration for the healing arts.

2. There is hereby established an "Advisory Commission for Emergency Medical Technicians" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 334.483, and shall assist the board in carrying out the provisions of sections 334.483 to 334.495.

3. The commission shall consist of nine members appointed by the board. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be physicians, licensed pursuant to this chapter, two members shall be nurses licensed pursuant to chapter 332, RSMo, two members shall be emergency medical technicians licensed pursuant to this chapter and two members shall be paramedics.

Members shall be appointed to serve three-year staggered terms. The membership of the commission shall reflect the differences in levels of education, work experience and geographic residence.

4. No member of the commission shall be entitled to any compensation for the performance of the member's official duties, but each shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff and funding for the commission shall be provided by the board of registration for the healing arts.

5. The commission shall hold quarterly meetings and may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

6. The board of registration for the healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and an opportunity to be heard thereon.

334.483. 1. The board shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The board may authorize investigations into criminal records in other states for any applicant.

2. The board shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 334.480 to 334.495 and the rules adopted by the board pursuant to sections 334.480 to 334.495. The board may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements

based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the board through rules adopted pursuant to sections 334.480 to 334.495;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the board in rules adopted pursuant to sections 334.480 to 334.495. The application form shall contain such information as the board deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 334.480 to 334.495 and rules promulgated pursuant to sections 334.480 to 334.495.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician;

(2) Ordered by a physician or set forth in protocols approved by the medical director; and

(3) In an emergency situation providing pre-hospital care, during emergency care in an emergency department of a health care facility, or inter-hospital and nonemergency transports, notwithstanding other provisions of law.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the board.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The board shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for

a fee.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

334.486. The renewal of any license shall require conformance with sections 334.480 to 334.495 and rules adopted by the board pursuant to sections 334.480 to 334.495.

334.489. 1. The board may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 334.480 to 334.495 for failure to comply with the provisions of sections 334.480 to 334.495 or any lawful regulations promulgated by the board to implement its provisions as described in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or license required by sections 334.480 to 334.495 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 334.480 to 334.495 or any lawful regulations promulgated by the board to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any

controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 334.480 to 334.495;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 334.480 to 334.495, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 334.480 to 334.495 or in obtaining permission to take any examination given or required pursuant to sections 334.480 to 334.495;

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

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 334.480 to 334.495;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.480 to 334.495, or of any lawful rule or regulation adopted by the board pursuant to sections 334.480 to 334.495;

(7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 334.480 to 334.495 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

**(9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;**

**(10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 334.480 to 334.495 who is not licensed and currently eligible to practice pursuant to sections 334.480 to 334.495;**

**(11) Issuance of a certificate, permit or license based upon a material mistake of fact;**

**(12) Violation of any professional trust or confidence;**

**(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;**

**(14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government.**

**3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.**

**4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 334.480 to 334.495 relative to the licensing of an applicant for the first time.**

**5. The board may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.**

**6. Any person, organization, association or**

**corporation who reports or provides information to the board pursuant to the provisions of sections 334.480 to 334.495 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.**

**7. The board may suspend any certificate, permit or license required pursuant to sections 334.480 to 334.495 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the board finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the board. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the board within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the board, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.**

**334.492. Any person aggrieved by an official action of the board affecting the licensed status of a person pursuant to the provisions of sections 334.480 to 334.495, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the board.”; and**

Further amend said bill, Page 5, Section 167.181, Line 16, by inserting after all of said line the following:

“[190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical

technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular

emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.]; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 8**:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 3, Section A, Line 4 of said page, by inserting after all of said line the following:

"109.120. 1. The head of any business, industry, profession, occupation or calling, or the head of any state, county or municipal department, commission, bureau or board may cause any and all records kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital retrieval system**, and the judges and justices of the several courts of record within this state may cause all closed case files more than five years old to be photographed, microphotographed, photostated, or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital**

**retrieval system.** Such reproducing material shall be of durable material and the device used to reproduce the records shall be such as to accurately reproduce and perpetuate the original records in all details and ensure their proper retention and integrity in accordance with standards established by the state records commission.

2. The cost of reproduction of closed files of the several courts of record as provided herein shall be chargeable to the county and paid out of the county treasury wherein the court is situated.

3. When any recorder of deeds in this state is required or authorized by law to record, copy, file, recopy, replace or index any document, plat, map or written instrument, the recorder may do so by photostatic, photographic, microphotographic, microfilm, or electronic process, **including a computer-generated electronic or digital retrieval system**, which produces a clear, accurate and permanent copy of the original, provided they meet the standards for permanent retention and integrity as promulgated by the local records board. The reproductions so made may be used as permanent records of the original. When microfilm or electronic reproduction is used as a permanent record by recorder of deeds, duplicate reproductions of all recorded documents, indexes and files required by law to be kept by the recorder shall be made and one copy of each document shall be stored in a fireproof vault and the other copy shall be readily available in the recorder's office together with suitable equipment for viewing the record by projection to a size not smaller than the original and for reproducing copies of the recorded or filmed documents for any person entitled thereto. In all cases where instruments are recorded pursuant to this section by microfilm or electronic process, any release, assignment or other instrument affecting a previously recorded instrument by microfilm or electronic process shall be filed and recorded as a separate instrument and shall be cross-indexed to the document which it affects.

109.241. The head of each local agency shall:

(1) Submit within six months after a call to do so from the secretary of state in accordance with standards established by the local records board

and promulgated by the director of records management and archives, schedules proposing the length of time each local records series warrants retention for administrative, legal, historical or fiscal purposes after it has been received or created by the local agency;

(2) Submit lists of local records that are not needed in the transaction of current business and that do not have sufficient administrative, legal, historical or fiscal value to warrant their further retention;

(3) Cooperate with the director in the conduct of surveys made by the director pursuant to the provisions of sections 109.200 to 109.310;

(4) When files in the custody of a local governmental agency are microfilmed or otherwise reproduced through photographic, video, electronic, or other reproduction processes, **including a computer-generated electronic or digital retrieval system**, the public official having custody of the reproduced records shall, before disposing of the originals, certify to the director that the official has made provisions for preserving the microfilms or electronically created records for viewing and recalling images to paper or original form, as appropriate, and that the official has done so in a manner guaranteeing the proper retention and integrity of the records in accordance with standards established by the local records board. Certification shall include a statement, written plan, or reputable vendor's certificate, as appropriate, that any microfilm or document reproduced through electronic process meets the standards for archival permanence established by the United States of America Standards Institute or similar agency, or local records board. If records are microfilmed, original camera masters shall not be used for frequent reference or reading purposes, but copies shall be made for such purposes.”; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 192, Section 338.210, Line 5, by deleting the words “symbol “RX”, or the” on said line.

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

Senator Singleton assumed the Chair.

Senator Steelman offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 56, Section 324.1120, Line 16, by inserting immediately at the end of said line of said page the following:

“,

**(6) Create any video recording of an individual in their domicile without the individual’s permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding.”.**

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

Senator Gross offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 129, Section 327.631, Line 22 of said page, by inserting the following:

**“327.700. 1. In any action against a licensed professional for damages or injuries due to the rendering of or failure to render professional services, the plaintiff or plaintiff’s attorney shall file an affidavit with the court stating that the plaintiff or plaintiff’s attorney has obtained the written opinion of a legally qualified like licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly**

**contributed to cause the damages claimed in the petition.**

**2. The affidavit shall state the qualifications of the like licensed professional to offer such opinion.**

**3. A separate affidavit shall be filed for each defendant named in the petition.**

**4. The affidavit shall be filed no later than ninety-five days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.**

**5. If the plaintiff or his attorney fails to file the affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.**

**6. For purposes of this act, the term “licensed professional” shall mean every licensed architect, professional engineer, land surveyor or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any “health care provider” as that term is defined in section 538.205, RSMo.**

**7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo.”; and**

Further amend the title and enacting clause accordingly.

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

Senator House offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 167, Section 334.890, Line 20 of said page, by inserting after all of said line the following:

**“335.018. 1. As used in section 376.1190, RSMo, “registered nurse first assistant” means any person practicing in this state as a registered nurse who is licensed pursuant to this chapter and who:**

**(1) Is certified by a nationally recognized**

**professional organization for registered nurse first assistants; or**

**(2) Meets the criteria for registered nurse first assistants established by the Missouri state board of nursing or criteria for certified medical technologist established by the board of healing arts.**

**2. (a) The Missouri state board of nursing shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional nursing organization certifications will be recognized for registered nurse first assistants and establishing the criteria a registered nurse must satisfy to use the title of registered nurse first assistant if the nurse is not certified by a nationally recognized professional nursing organization as a registered nurse first assistant.**

**(b) The Missouri board of healing arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.**

**3. All insurance companies shall refer to this section for the definition of a registered nurse first assistant in order to determine whether such services provided qualify for reimbursement. This section shall not be construed to mandate coverage for services provided by a registered nurse first assistant, however reimbursement for services provided by a registered nurse first assistant shall not be denied based on lack of statutory recognition.”; and**

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Mathewson, Schneider and Wiggins.

**SA 12** failed of adoption by the following vote:

YEAS—Senators			
House	Jacob	Schneider	Singleton
Stelman—5			

NAYS—Senators

Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Westfall	Wiggins—22		

Absent—Senators

Childers	Rohrbach	Scott	Staples
Stoll	Yeckel—6		

Absent with leave—Senator Carter—1

Senator House offered SA 13:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 167, Section 334.890, Line 20 of said page, by inserting after all of said line the following:

**“335.018. 1. As used in section 376.1190, RSMo, “registered nurse first assistant” means any person practicing in this state as a registered nurse who is licensed pursuant to this chapter and who:**

**(1) Is certified by a nationally recognized professional organization for registered nurse first assistants; or**

**(2) Meets the criteria for registered nurse first assistants established by the Missouri state board of nursing or criteria for certified medical technologist established by the board of healing arts.**

**2. (a) The Missouri state board of nursing shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional nursing organization certifications will be recognized for registered nurse first assistants and establishing the criteria a registered nurse must satisfy to use the title of registered nurse first assistant if the nurse is not certified by a nationally recognized professional nursing organization as a registered nurse first assistant.**

**(b) The Missouri board of healing arts shall promulgate rules pursuant to chapter 536,**



**RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.**

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 14**:

**SENATE AMENDMENT NO. 14**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 5, Section 167.181, Line 16, of said page by inserting after all of said line the following:

**“172.036. 1. Due to the need for continuing communication between educators and the professionals being trained in Missouri’s educational institutions, four persons, one from each campus of the University of Missouri, who meet the qualifications established in this section shall be appointed by the governor, with the advice and consent of the senate, as faculty member representatives to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee for each campus from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of that campus. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.**

**2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.**

**3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of curators for more than two terms.**

**4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.**

**5. If the faculty member representative ceases to be a full-time faculty member at the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.**

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

**174.056. 1. There shall be a faculty representative to the board of regents of each educational institution referred to in section 174.020, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of the institution. Such faculty member representative shall have the same powers as the other members of the board of regents, except that such faculty member representative shall not have the right to vote on any matter before the board.**

**2. Such faculty member representative shall be a full-time tenured faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.**

**3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of a particular institution for more than two terms.**

**4. If a vacancy occurs for any reason in the position of faculty member representative, the governor, pursuant to subsection 1 of this section, shall appoint a replacement who meets the qualifications set forth in subsection 2 of this**

**section.**

**5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.**

**6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.**

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of [ten] **eleven** members, composed of seven voting members and [three] **four** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years next prior to [his] **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student shall be selected as provided in section 174.055; **and**

**(5) One nonvoting member who is a faculty member shall be selected as provided in section 174.622.**

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students **or faculty members** shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055, **and the nonvoting faculty member shall serve a three-year term as provided in section 174.622.**

3. The governors while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

**174.622. 1. There shall be a faculty representative to the board of governors of Truman State University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Truman State University. Such**

faculty member representative shall have the same powers as the other members of the board of governors, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of governors receive pursuant to section 174.620.

175.022. 1. There shall be a faculty representative to the board of curators of Lincoln University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Lincoln University. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a

resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon raised the point of order that SA 14 is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Klarich offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 122, Section 327.603, Lines 9-15, by deleting the following:

“Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while engaged in the practice of landscape architecture for the state of Missouri or a political subdivision of the state, provided the project does not jeopardize the public health, safety and welfare.”; and

Further amend said section, line 16, by inserting after the word “prohibit” the following:

**“employees of the state when working for the state or its political subdivisions or”.**

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

Senator Schneider offered **SA 16**, which was read:

**SENATE AMENDMENT NO. 16**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 212, Section 620.010, Line 19 of said page, by striking the bracket; and amend page 213, lines 1 to 7, by striking the bracket on line one and all the bold face type in said lines.

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

Senator Klarich moved that **SS** for **SCS** for **HCS** for **HB 567**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **HCS** for **HB 567**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senators

Bland	Childers	Johnson	Kinder
Quick	Rohrbach	Singleton—7	

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Klarich
Klindt	Loudon	Mathewson	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—23	

NAYS—Senators

Caskey	Cauthorn	Childers	Johnson
Kinder	Quick	Rohrbach	Russell
Singleton—9			

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

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

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

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

Senator Gross assumed the Chair.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 201**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 58**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 303**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 610**, entitled:

An Act to repeal sections 52.300, 54.330, 137.100 and 141.610, RSMo 2000, and to enact in lieu thereof five new sections relating to political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 13**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 543**, entitled:

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 575**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 274**, entitled:

An Act to repeal sections 50.1000, 50.1230 and 50.1250, RSMo 2000, relating to certain county employees' retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 406**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 197**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 307**, entitled:

An Act to repeal sections 139.031, 140.010 and 140.730, RSMo 2000, and to enact in lieu thereof three new sections relating to property taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 348**, entitled:

An Act to repeal sections 453.010, 453.070, 453.080 and 475.083, RSMo 2000, relating to the adoption of foster children, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 538**, entitled:

An act to repeal sections 443.803, 443.805, 443.809, 443.810, 443.812, 443.819, 443.821, 443.825, 443.827, 443.833, 443.839, 443.841, 443.849, 443.851, 443.855, 443.857, 443.859, 443.863, 443.867, 443.869, 443.879, 443.881 and 443.887, RSMo 2000, relating to mortgages and mortgage brokers, and to enact in lieu thereof twenty-three new sections relating to the same

subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SB 610** and request the House to recede from its position, and failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SB 462**, as amended, and request the House to recede from its position, and failing to do so grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 328** and **88**, with **SCS**; and **HB 453**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rohrbach assumed the Chair.

### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 2001 for your advice and consent:

Eddie F. Brown, 106 Seabrook Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed

to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 27, 2001 for your advice and consent:

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 20, 2001 for your advice and consent:

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 2001 for your advice and consent:

Wayman F. Smith, III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

#### REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 769**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HB 612**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 621**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 621, Page 1, Section 217.900, Line 12, by inserting at the end of said line the following: "**No elected or appointed official of the state of Missouri or of any city or county in this state shall be appointed to the commission.**"; and

Further amend said bill and section, Page 2, Lines 29 to 31, by striking all of said lines and inserting in lieu thereof the following: "**penitentiary**";

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 262**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 262, Page 1, Section 160.067, Line 7, by inserting immediately before the word "No" the following: "**Except as otherwise provided by federal law**".

## SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 262, Page 1, Section In the Title, Line 2, by striking “one new section” and insert in lieu thereof “two new sections”; and

Further amend said bill and page, section A, line 1, by striking “one new section” and insert in lieu thereof “two new sections”; and further amend line 2 by inserting immediately after “160.067” the following: “and 610.033”; and

Further amend said bill, page 2, line 15, by inserting after all of said line the following:

**“610.033. In addition to the requirements established pursuant to the federal Family Educational Rights and Privacy Act, an institution of higher education shall not disclose to a parent or guardian of a student who is eighteen years of age or older any information regarding a violation of any federal, state or local law or rule, or any rule or policy of such institution, regardless of whether such information is contained in the student’s education records. The provisions of this section shall not apply if the records are requested through subpoena or judicial order or if the student is financially dependent, as defined in Section 152 of the federal Internal Revenue Code of 1954. Any student may waive the right granted in this section by signing a consent form for such disclosures with the institution at which he or she is enrolled at the beginning of each academic year.”**

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was

referred **HB 219**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach assumed the Chair.

**HOUSE BILLS ON SECOND READING**

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

**HS** for **HCS** for **HBs 280, 69, 497 and 689**—Local Government and Economic Development.

**HCS** for **HB 780**—Local Government and Economic Development.

**HCS** for **HB 279**—Public Health and Welfare.

**RESOLUTIONS**

Senator Klindt offered Senate Resolution No. 730, regarding Barbara J. Cox, Chillicothe, which was adopted.

Senator Cauthorn offered Senate Resolution No. 731, regarding Marilyn Schweitzer Schoonover, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 732, regarding Nancy E. Forquer, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 733, regarding Dianne King, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 734, regarding Ronda E. Adkins, Atlanta, which was adopted.

Senator Cauthorn offered Senate Resolution No. 735, regarding Linda Ruth Basler Ellis, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 736, regarding Donald R. Dixon, Macon, which was adopted.

Senator Gross offered Senate Resolution No. 737, regarding Hyatt Bangert, St. Charles, which was adopted.



Senator Sims offered Senate Resolution No. 738, regarding Paul Daniel Lyons, St. Ann, which was adopted.

Senator Stoll offered Senate Resolution No. 739, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald B. Jarvis, Pevely, which was adopted.

Senator Gibbons offered Senate Resolution No. 740, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard J. Zaegel, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 741, regarding the Butler Senior Center, Butler, which was adopted.

Senator Kinder offered Senate Resolution No. 742, regarding Dennis Marchi, Cape Girardeau, which was adopted.

Senator Westfall offered Senate Resolution No. 743, regarding the Aurora FFA Chapter, Aurora, which was adopted.

Senator Childers offered Senate Resolution No. 744, regarding Matt Franker, which was adopted.

Senator Stoll offered Senate Resolution No. 745, regarding the Rock Community Volunteer Fire Association, Arnold, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Clara Wimberley and her son, Robert, St. Louis; and Robert was made an honorary page.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Christopher H. Jung, M.D., Cape Girardeau.

Senator Caskey introduced to the Senate, Carol Bohl and fifteen eighth grade students and their sponsors from Harrisonville Christian School, Harrisonville.

Senator Gibbons introduced to the Senate, fourth grade students from Hudson School, Rock Hill.

Senator Bentley introduced to the Senate, Karen Best, Linda Johnson, Mrs. Bell, Mrs. Nave, Mrs. Rainey and fourth grade students from Truman Elementary School, Springfield.

Senator Bentley introduced to the Senate, Lynn Miller, principal, Emily Buff, teacher and students from Ed V. Williams School.

Senator Sims introduced to the Senate, Beth McCracken, Springfield.

The President introduced to the Senate, his daughter, Shannon Maxwell, Mexico.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Monday, May 7, 2001.

## SENATE CALENDAR

SIXTY-SEVENTH DAY—MONDAY, MAY 7, 2001

## FORMAL CALENDAR

## HOUSE BILLS ON SECOND READING

HS for HCS for HBs 981 &  
665-Willoughby

## THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon  
(In Budget Control)

SS for SB 242-Kenney  
(In Budget Control)

SCS for SB 225-Mathewson  
(In Budget Control)

SS for SCS for SBs 334 &  
228-Kinder  
(In Budget Control)

#### SENATE BILLS FOR PERFECTION

SB 565-Staples  
SB 596-Loudon  
SB 597-Singleton  
SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,  
with SCS  
SBs 508 & 468-Cauthorn  
and Klindt, with SCS

#### HOUSE BILLS ON THIRD READING

1. HS for HB 381-Hoppe,  
with SCS (Kenney)  
(In Budget Control)
2. HB 444-Kreider, et al,  
with SCA 1 (Wiggins)
3. HS for HB 421-Hoppe,  
with SCS (Kinder)
4. HB 385-Franklin, with  
SCS (Foster)
5. HCS for HBs 205, 323  
& 549, with SCS  
(Childers)
6. HB 662-Green (73) and  
St. Onge, with SCS  
(Foster)
7. HS for HCS for HB 425-  
O'Toole (DePasco)
8. HB 285-Riback Wilson,  
et al (Jacob)
9. HB 120-O'Connor, with  
SCS (Caskey)
10. HB 163-Berkowitz and  
Wagner (Westfall)
11. HB 471-Jolly, et al,  
with SCS (Wiggins)
12. HB 626-Hosmer, with  
SCS (Bentley)
13. HS for HCS for HB 107-  
Clayton, with SCS  
(Klarich)  
(In Budget Control)
14. HCS for HB 50, with  
SCS (Stoll)  
(In Budget Control)
15. HCS for HBs 754, 29,  
300 & 505 (Bentley)  
(In Budget Control)
16. HB 185-Legan, et al,  
with SCS (Gross)
17. HCS for HB 738  
(Klarich)
18. HCS for HBs 441, 94 &  
244 (Johnson)
19. HB 453-Ransdall, et al,  
with SCS (Steelman)
20. HB 501-Bowman, et al,  
with SCS (Steelman)  
(In Budget Control)
21. HCS for HB 581, with  
SCS (Klindt)
22. HB 133-Gambaro, with  
SCS (Yeckel)
23. HCS for HB 241, with  
SCS (Caskey)

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| <p>24. HS for HCS for HBs 328 &amp; 88-Harlan, with SCS (Sims)</p> <p>25. HB 70-Koller, with SCA 1 (Staples)</p> <p>26. HB 16-Green, with SCS (Russell)</p> <p>27. HB 17-Green, with SCS (Russell)</p> <p>28. HB 678-Seigfreid, with SCS</p> <p>29. HS for HCS for HB 824-Abel (Mathewson)</p> <p>30. HS for HCS for HBs 924, 714, 685, 756, 734 &amp; 518-Wiggins, with SCS (Mathewson)</p> | <p>31. HB 769-Harlan (House)</p> <p>32. HS for HB 612-Ladd Baker, with SCS (Sims)</p> <p>33. HB 621-Gratz and Vogel, with SCA 1 (Rohrbach)</p> <p>34. HB 262-Linton, et al, with SCAs 1 &amp; 2 (Klarich)</p> <p>35. HS for HCS for HB 327-Rizzo, with SCS</p> <p>36. HB 219-Townley, et al, with SCS (Cauthorn)</p> |
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#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| <p>SB 65-Gibbons, with SCS</p> <p>SBs 67 &amp; 40-Gross, with SCS</p> <p>SB 68-Gross and House</p> <p>SB 99-Sims, with SCS</p> <p>SB 114-Loudon, with SCS, SS for SCS &amp; SA 1 (pending)</p> <p>SB 184-Johnson, et al, with SS#2 (pending)</p> <p>SB 222-Caskey, with SA 3 &amp; SSA 1 for SA 3 (pending)</p> <p>SBs 238 &amp; 250-Staples, et al, with SCS (pending)</p> <p>SB 239-Stoll, with SCS &amp; SA 11 (pending)</p> <p>SB 251-Kinder</p> <p>SBs 253 &amp; 260-Gross, with SCS (pending)</p> <p>SB 331-DePasco, et al, with SCS &amp; SS for SCS (pending)</p> | <p>SB 373-Gibbons and Yeckel, with SCS</p> <p>SBs 391 &amp; 395-Rohrbach, with SCS &amp; SS for SCS (pending)</p> <p>SB 438-Bentley and Stoll, with SS, SS for SS &amp; SA 1 (pending)</p> <p>SB 445-Singleton, with SCS &amp; SS for SCS (pending)</p> <p>SB 454-Kinder, with SCS</p> <p>SB 455-Kinder, et al, with SCS</p> <p>SBs 459, 305, 396 &amp; 450-Westfall, with SCS &amp; SS for SCS (pending)</p> <p>SB 469-Gross, et al</p> <p>SB 488-Klindt, et al, with SCS</p> <p>SB 535-Rohrbach, with SCS, SS for SCS &amp; point of order (pending)</p> |
|---|--|

SB 546-Kenney, et al,  
with SCS  
SB 583-Yeckel

SB 593-Klindt, with SCS  
SJR 11-Yeckel

#### HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS  
(pending) (Kenney)  
HB 544-Holand and  
Treadway, with SA 1  
(pending) (Bentley)  
HS for HCS for HB 762-  
Barry, with SCS, SS  
for SCS & SA 2  
(pending) (Sims and Stoll)

HB 949-Barry, with SCS,  
SS for SCS & SA 7  
(pending) (Sims)  
HB 954-Hosmer (Westfall)  
HJR 5-Barry, et al, with SS,  
SA 1 & point of order  
(pending) (Yeckel)

#### CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,  
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)  
HCS for HB 106 (Bland)  
HB 431-Barry (Singleton)

HB 52-Ward and Crump,  
with SCAs 1 & 2 (Staples)  
HB 945-Hosmer, with SCS (Bentley)

HB 420-Williams, et al  
(Westfall)  
HB 458-Lawson, et al  
(Klindt)  
HB 470-Shields and  
Hegeman (Johnson)  
HBs 648, 477 & 805-  
Ostmann, et al, with  
SCS (Westfall)  
HB 691-Barnett, et al,  
with SCS (Klindt)  
HB 897-Kreider, et al  
(Klindt)  
HB 45-Farnen (Bentley)  
HB 309-McKenna, et al  
(Stoll)  
HB 865-Davis (Caskey)  
HB 725-Britt (Foster)

HB 881-Scott, et al, with  
SCS (Rohrbach)  
HB 606-Kennedy, et al,  
with SCS (Yeckel)  
HB 202-Rizzo, with SCS  
(Kenney)  
HB 242-Smith, with SCS  
(House)  
HB 361-Shoemyer, with SCS  
(Goode)  
HB 498-Wagner and McKenna,  
with SCS (Stoll)  
HB 679-Boykins (Sims)  
HB 473-Robirds, with SCS  
(Foster)  
HB 904-Merideth, et al,  
with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 130-Bland, with HCS  
SCS for SB 178-Schneider  
and Rohrbach, with HCS  
SS for SB 193-Rohrbach,  
with HCS, as amended  
SS for SCS for SB 267-  
Klarich, with HS for  
HCS, as amended  
SB 274-Caskey, with HCS  
SB 307-Jacob, with HCS  
HS for SS for SCS for SBs  
323 & 230-Childers

SB 345-House, with HCS  
SB 348-Sims, with HCS  
SB 353-Johnson, with  
HCA 1  
SCS for SB 515-Yeckel,  
with HCS  
SB 538-Yeckel, with HCS  
SB 543-Foster, with HCS  
SCS for SB 568-Mathewson,  
with HCS  
SCS for SB 619-Mathewson,  
with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS  
(Russell)

HCS for HB 3, with SCS  
(Russell)

HCS for HB 4, with SCS  
(Russell)

HCS for HB 5, with SCS  
(Russell)

HCS for HB 6, with SCS,  
as amended (Russell)

HCS for HB 7, with SCS  
(Russell)

HCS for HB 8, with SCS  
(Russell)

HCS for HB 9, with SCS  
(Russell)

HCS for HB 10, with SCS,  
as amended (Russell)

HCS for HB 11, with SCS,  
as amended (Russell)

HCS for HB 12, with SCS  
(Russell)

HCS for HB 13, with SCS  
(Russell)

HCS for HB 18, with SCS,  
as amended (Russell)

HCS for HB 19, with SCS  
(Russell)

HB 491-George, with SCS  
(Goode)

#### Requests to Recede or Grant Conference

SCS for SB 151-Childers, with HCS  
(Senate requests House  
recede or grant conference)

SB 462-Westfall, with HCS,  
as amended  
(Senate requests House  
recede or grant conference)

SB 610-Westfall, with HCS  
(Senate requests House  
recede or grant conference)

#### RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3  
& SSA 1 for SA 3  
(pending)

#### Reported from Committee

SCR 8-Caskey, with SA 2  
(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SR 495-Klarich, with SCS  
HCR 24-Boucher, with SCS  
(Yeckel)

#### Reported from House with Amendments

SS for SCR 13-Foster,  
with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,  
with HCS  
(Senate requests House  
recede or grant conference)

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