

# Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY—WEDNESDAY, MAY 16, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Happy are they who make the Lord their trust.” (Psalm 40:4)

Gracious God, we are worried and concerned about so many things, but in You we are safe and secure. But we know that tragedies happen, as it did May 16, 1997, when Emily Stoll was killed. So we ask that we trust You’ll be with us and help us remember them and our families and trust Your abiding care and guidance. Thus we can do that which You have called us to do here and trust that it will be for Your good purposes. 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 KMIZ-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.

## CONCURRENT RESOLUTIONS

Senator Johnson moved that **HCR 33** be taken up for adoption, which motion prevailed.

On motion of Senator Johnson, **HCR 33** was adopted 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

**HS** for **HCR 25**, introduced by Representative Graham, entitled:

An Act relating to authorization for the issuance of bonds for university arena projects.

Was taken up for 3rd reading and final passage by Senator Jacob.

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

## SENATE AMENDMENT NO. 1

Amend House Substitute for House Concurrent Resolution No. 25, appearing on Page 909 of the Senate Journal for Thursday, April 26, 2001, Column 2, Line 42 of said column, by inserting immediately after said line the following:

“BE IT FURTHER RESOLVED that bonds shall not be sold for the project until the project has been authorized in a capital improvements appropriation; and”.

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

President Pro Tem Kinder assumed the Chair.

President Maxwell assumed the Chair.

On motion of Senator Jacob, **HS** for **HCR 25** was read the 3rd time and passed by the following vote:

## YEAS—Senators

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| Bland     | Caskey    | DePasco   | Dougherty |
| Foster    | Gibbons   | Gross     | House     |
| Jacob     | Johnson   | Kenney    | Kinder    |
| Klarich   | Loudon    | Mathewson | Quick     |
| Russell   | Schneider | Scott     | Sims      |
| Staples   | Stoll     | Westfall  | Wiggins   |
| Yeckel—25 |           |           |           |

## NAYS—Senators

|         |          |           |            |
|---------|----------|-----------|------------|
| Bentley | Cauthorn | Childers  | Goode      |
| Klindt  | Rohrbach | Singleton | Steelman—8 |

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Jacob 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 **HCS** for **SS** for **SB 244**, entitled:

An Act to repeal sections 301.260, 304.035 and 304.580, RSMo 2000, and to enact in lieu thereof five new sections relating to motor vehicles and equipment, with penalty provisions.

With House Amendments Nos. 1, 2, 4, 5, 6, 8, 9, 10, 11 and 13.

## HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting after all of said line the following:

“**226.003. Notwithstanding any other provision of law or rule to the contrary, the department of transportation is hereby prohibited from contracting with private entities or vendors to operate truck stops, fueling stations, convenience stores or restaurants on or near interstate public rest areas. The department shall examine and research the Vermont and Utah state programs, which have phased out interstate public rest areas and instead have implemented a public/private partnership with designated interstate rest exits. Nothing in this section shall prohibit the department from maintaining existing interstate public rest areas or constructing new interstate public rest areas consistent with this section.**”; and

Further amend said bill, Pages 2 and 3, Section 302.286, Lines 1 to 23, by deleting all of said lines, and inserting in lieu thereof the following:

“**302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as described in subdivision**

(5) of subsection 2 of section 570.030, RSMo, shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the department of revenue for administration of such order.

3. Suspension of a driver's license pursuant to this section shall be made as follows:

(1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension;

(2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension; and

(3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension.

4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228.”; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

“307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and

obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

(1) All mirrors, including crossview, inside, and outside;

(2) The front and rear warning flashers;

(3) The stop signal arm;

(4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;

(5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;

(6) The exhaust tailpipe [to determine that it does not protrude from the bus] **shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;**

(7) The emergency doors and exits to determine them to be unlocked and easily opened as required;

(8) The lettering and signing on the front, side[,] and rear of the bus;

(9) The service door;

(10) The step treads;

(11) The aisle mats or aisle runners;

(12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;

(13) The seats, including a determination that they are securely fastened to the floor;

(14) The emergency door buzzer;

(15) All hand hold grips;

(16) The interior glazing of the bus.

2. In addition to the inspection required by

subsection 1 **of this section**, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 **of this section** and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 **of this section** are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 **of this section** shall be applicable.”; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

“302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state **or any other state** shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months

thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification

for which the license is sought. When an applicant for a license has a valid license from a state which has requirements for issuance of a license comparable to the Missouri requirements, the director may waive the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement.”; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

“307.173. 1. Except as provided in subsections

2 and 6 of this section, no person shall operate any motor vehicle registered in this state on any public highway or street of this state with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

2. [A permit to] **Any person may** operate a motor vehicle with [a front sidewing vent or window] **side and rear windows** that [has] **have** a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent [may be issued by the department of public safety to a person having a physical disorder requiring the use of such vision-reducing material. If, according to the permittee's physician, the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, the limits of this subsection may be altered for that permittee in accordance with the physician's prescription. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household].

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.**

5. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

6. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section.”; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

**“Section 1. Notwithstanding any other law to the contrary, blue dot taillights shall be allowed on any motor vehicle manufactured prior to 1960.”; and**

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

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

“302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to

the laws of this state shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge

of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from [a state which has requirements for issuance of a license comparable to the Missouri requirements,] **another state which is currently in good standing in that state**, the director [may] **shall** waive the [requirement] **requirements** of [actual demonstration of ability to exercise due care in the operation of a motor vehicle] **this section including the vision test requirements set forth in section 302.175**. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further

driving test shall be required to obtain a motorcycle or motortricycle license or endorsement.”; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting immediately after all of said line the following:

**“Section 1. A towing company, as defined in Section 304.001, RSMo, shall grant access to insurance personnel for the purposes of inspection, appraisal and photographs of property at no charge and without requiring any surety.”; and**

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

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting immediately after all of said line the following:

**“414.407. 1. As used in this section, the following terms mean:**

(1) **“B-20”, a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;**

(2) **“Biodiesel”, fuel as defined in ASTM Standard PS121;**

(3) **“EPAAct”, the federal Energy Policy Act, 42 U.S.C. 13201, et seq.;**

(4) **“EPAAct credit”, a credit issued pursuant to EPAAct;**

(5) **“Fund”, the Biodiesel Fuel Revolving Fund;**

(6) **“Incremental cost”, the difference in cost between biodiesel fuel and conventional petroleum-based diesel fuel at the time the biodiesel fuel is purchased.**

**2. The department, in cooperation with the department of agriculture, shall establish and administer an EPAAct credit banking and selling**

program to allow state agencies to use moneys generated by the sale of EPAct credits to purchase biodiesel fuel for use in state vehicles. Each state agency shall provide the department with all vehicle fleet information necessary to determine the number of EPAct credits generated by the agency. The department may sell credits in any manner pursuant to the provisions of EPAct.

3. There is hereby created in the state treasury the “Biodiesel Fuel Revolving Fund”, into which shall be deposited moneys received from the sale of EPAct credits banked by state agencies on the effective date of this section and in future reporting years, any moneys appropriated to the fund by the General Assembly, and any other moneys obtained or accepted by the department for deposit into the fund. The fund shall be managed to maximize benefits to the state in the purchase of biodiesel fuel and, when possible, to accrue those benefits to state agencies in proportion to the number of EPAct credits generated by each respective agency.

4. Moneys deposited into the fund shall be used to pay for the incremental cost of biodiesel fuel with a minimum biodiesel concentration of B-20 for use in state vehicles and for administration of the fund. Not later than January thirty-first of each year, the department shall submit an annual report to the General Assembly on the expenditures from the fund during the preceding fiscal year.

5. Notwithstanding the provisions of section 33.0080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not 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.

6. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

7. The department shall conduct a study of the use of alternative fuels in motor vehicles in the state and shall report its findings and recommendations to the General Assembly no later than January 1, 2002. Such study shall include:

(1) An analysis of the current use of alternative fuels in public and private vehicle fleets in the state;

(2) An assessment of methods that the state may use to increase use of alternative fuels in vehicle fleets, including the sale of credits generated pursuant to the federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay for the difference in cost between alternative fuels and conventional fuels;

(3) An assessment of the benefits or harm that increased use of alternative fuels may make to the state’s economy and environment;

(4) Any other information that the department deems relevant.”; and

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

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting the following:

“226.133. 1. The general assembly may authorize the highways and transportation commission to issue bonds or other evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except that, the highways and transportation commission may immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of providing funds for use in highway construction and repairs scheduled in the five-year plan. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. **The sale of such bonds shall be negotiated, after a competitive selection process, with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The**



**underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs.** Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted final design shall not be considered an administrative expense, but shall not exceed seven percent of any project.

2. To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five calendar days after the plan proposed by the highways and transportation commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session by a concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the highway plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent resolution disapproving of a plan to issue bonds has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the department of transportation plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan to issue bonds shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the

membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. The highways and transportation commission shall offer such bonds at public sale or negotiated sale. The bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.

4. The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund to be expended for the purpose specified pursuant to the provisions of section 226.220.

5. Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.

6. Bonds may be issued for the purpose of refunding either at maturity or in advance of maturity, any bonds issued [under] **pursuant** to this section. The proceeds of such refunding bonds may either be applied to the payment of the bonds being refunded or deposited in trust and maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the highways and transportation commission and the authorizing resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust indenture securing the refunding bonds shall specify the amount and other terms of the refunding bonds and may provide that the

refunding bonds shall have the same security for their payment as provided for the bonds being refunded. The refunding bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The principal amount of refunding bonds issued pursuant to this section shall not be counted toward the limit on the principal amount of bonds permitted [under] **pursuant** to this section.”; and

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

#### HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 3, Section 302.286, Line 23, by inserting after all of said line the following:

“304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway,

except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except [in a crossover or] **at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department.**

4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

(4) Official signs may be erected by the

highways and transportation commission or the highway patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

7. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.; and

Further amend said bill, Page 3, Section 304.035, Line 21, by inserting after all of said line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any [primary or interstate] highway in this state [plus a distance not to exceed ten miles from such highways,] having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any [primary or interstate highways] **state highway** of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem

axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart [and further provided, however, that when any vehicle or combination of vehicles with six axles which includes a tandem axle group as above defined and a group of three axles which are fully equalized, automatically or mechanically, and the distance between the center of the extremes of which does not exceed one hundred ten inches, the chief engineer of the Missouri state transportation department shall issue a special permit for the movement thereof, as provided in section 304.200, for twenty thousand pounds for each axle of the tandem axle group and for sixteen thousand pounds for each axle of the group of three fully equalized axles which are equalized, automatically or mechanically, when said vehicle or combination of vehicles is used to transport excavation or construction machinery or equipment, road-building machinery or farm implements over routes in the primary system and other routes that are not a part of the interstate system of highways; provided, further, that the chief engineer of the Missouri state transportation department may issue permits on the interstate system].

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

3. Subject to the limit upon the weight imposed upon a [primary or interstate] highway **of this state** through any one axle or on any tandem axle, the total gross weight with load imposed [upon a primary or interstate highway, plus a distance not to exceed ten miles from such highways,] by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet  
between the extremes  
of any group of two or  
more consecutive axles,

| measured to the nearest foot, except where indicated otherwise |         |         |         |         |         | 33  | 40,000 | 60,000 | 64,000 | 68,500 | 74,000 |
|--|---------|---------|---------|---------|---------|---|--------|--------|--------|--------|--------|
| Maximum load in pounds   |         |         |         |         |         | 34  | 40,000 | 60,000 | 64,500 | 69,000 | 74,500 |
| feet   | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 35  | 40,000 | 60,000 | 65,500 | 70,000 | 75,000 |
|  |         |         |         |         |         | 36  |        | 60,000 | 66,000 | 70,500 | 75,500 |
| 4  | 34,000  |         |         |         |         | 37  |        | 60,000 | 66,500 | 71,000 | 76,000 |
| 5  | 34,000  |         |         |         |         | 38  |        | 60,000 | 67,500 | 72,000 | 77,000 |
| 6  | 34,000  |         |         |         |         | 39  |        | 60,000 | 68,000 | 72,500 | 77,500 |
| 7  | 34,000  |         |         |         |         | 40  |        | 60,000 | 68,500 | 73,000 | 78,000 |
| 8  | 34,000  | 34,000  |         |         |         | 41  |        | 60,000 | 69,500 | 73,500 | 78,500 |
| More than 8  | 38,000  | 42,000  |         |         |         | 42  |        | 60,000 | 70,000 | 74,000 | 79,000 |
| 9  | 39,000  | 42,500  |         |         |         | 43  |        | 60,000 | 70,500 | 75,000 | 80,000 |
| 10   | 40,000  | 43,500  |         |         |         | 44  |        | 60,000 | 71,500 | 75,500 | 80,000 |
| 11   | 40,000  | 44,000  |         |         |         | 45  |        | 60,000 | 72,000 | 76,000 | 80,000 |
| 12   | 40,000  | 45,000  | 50,000  |         |         | 46  |        | 60,000 | 72,500 | 76,500 | 80,000 |
| 13   | 40,000  | 45,500  | 50,500  |         |         | 47  |        | 60,000 | 73,500 | 77,500 | 80,000 |
| 14   | 40,000  | 46,500  | 51,500  |         |         | 48  |        | 60,000 | 74,000 | 78,000 | 80,000 |
| 15   | 40,000  | 47,000  | 52,000  |         |         | 49  |        | 60,000 | 74,500 | 78,500 | 80,000 |
| 16   | 40,000  | 48,000  | 52,500  | 58,000  |         | 50  |        | 60,000 | 75,500 | 79,000 | 80,000 |
| 17   | 40,000  | 48,500  | 53,500  | 58,500  |         | 51  |        | 60,000 | 76,000 | 80,000 | 80,000 |
| 18   | 40,000  | 49,500  | 54,000  | 59,000  |         | 52  |        | 60,000 | 76,500 | 80,000 | 80,000 |
| 19   | 40,000  | 50,000  | 54,500  | 60,000  |         | 53  |        | 60,000 | 77,500 | 80,000 | 80,000 |
| 20   | 40,000  | 51,000  | 55,500  | 60,500  | 66,000  | 54  |        | 60,000 | 78,000 | 80,000 | 80,000 |
| 21   | 40,000  | 51,500  | 56,000  | 61,000  | 66,500  | 55  |        | 60,000 | 78,500 | 80,000 | 80,000 |
| 22   | 40,000  | 52,500  | 56,500  | 61,500  | 67,000  | 56  |        | 60,000 | 79,500 | 80,000 | 80,000 |
| 23   | 40,000  | 53,000  | 57,500  | 62,500  | 68,000  | 57  |        | 60,000 | 80,000 | 80,000 | 80,000 |
| 24   | 40,000  | 54,000  | 58,000  | 63,000  | 68,500  | Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.  |        |        |        |        |        |
| 25   | 40,000  | 54,500  | 58,500  | 63,500  | 69,000  | 4. [Subject to the limit upon the weight imposed upon a supplementary highway through any one axle which shall not have a weight greater than eighteen thousand pounds or on any tandem axle which shall not have a weight greater than thirty-two thousand pounds, the total gross weight with load imposed upon the supplementary |        |        |        |        |        |
| 26   | 40,000  | 55,500  | 59,500  | 64,000  | 69,500  |   |        |        |        |        |        |
| 27   | 40,000  | 56,000  | 60,000  | 65,000  | 70,000  |   |        |        |        |        |        |
| 28   | 40,000  | 57,000  | 60,500  | 65,500  | 71,000  |   |        |        |        |        |        |
| 29   | 40,000  | 57,500  | 61,500  | 66,000  | 71,500  |   |        |        |        |        |        |
| 30   | 40,000  | 58,500  | 62,000  | 66,500  | 72,000  |   |        |        |        |        |        |
| 31   | 40,000  | 59,000  | 62,500  | 67,500  | 72,500  |   |        |        |        |        |        |
| 32   | 40,000  | 60,000  | 63,500  | 68,000  | 73,000  |   |        |        |        |        |        |

highway by any vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of a single motor vehicle or by the first axle of a motor vehicle and the last axle of the last vehicle in any combination of vehicles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet  
between the  
extreme axles

Maximum load  
in pounds

|    |        |
|----|--------|
| 4  | 32,000 |
| 5  | 32,000 |
| 6  | 32,000 |
| 7  | 32,000 |
| 8  | 33,200 |
| 9  | 34,400 |
| 10 | 35,600 |
| 11 | 36,800 |
| 12 | 38,000 |
| 13 | 39,200 |
| 14 | 40,400 |
| 15 | 41,600 |
| 16 | 42,800 |
| 17 | 44,000 |
| 18 | 45,200 |
| 19 | 46,400 |
| 20 | 47,600 |
| 21 | 48,800 |
| 22 | 50,000 |
| 23 | 51,000 |
| 24 | 52,000 |
| 25 | 53,000 |
| 26 | 54,000 |
| 27 | 55,000 |
| 28 | 56,000 |
| 29 | 57,000 |

|            |        |
|------------|--------|
| 30         | 58,000 |
| 31         | 59,000 |
| 32         | 60,000 |
| 33         | 61,100 |
| 34         | 62,200 |
| 35         | 63,500 |
| 36         | 64,600 |
| 37         | 65,900 |
| 38         | 67,100 |
| 39         | 68,300 |
| 40         | 69,700 |
| 41         | 70,800 |
| 42         | 72,000 |
| 43 or over | 73,280 |

5. Provided, however, subject to the limit upon the weight imposed through any one axle, through any tandem axle, as provided in subsection 4 of this section, the total gross weight with load imposed upon any bridges generally considered by the state highways and transportation commission to be on the supplementary system or upon any bridges which are under the jurisdiction of and maintained by counties, townships or cities shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet  
between the  
extreme axles

Maximum load  
In pounds

|    |        |
|----|--------|
| 4  | 32,000 |
| 5  | 32,000 |
| 6  | 32,000 |
| 7  | 32,000 |
| 8  | 32,610 |
| 9  | 33,580 |
| 10 | 34,550 |
| 11 | 35,510 |

12 36,470  
 13 37,420  
 14 38,360  
 15 39,300  
 16 40,230  
 17 41,160  
 18 42,080  
 19 42,990  
 20 43,900  
 21 44,800  
 22 45,700  
 23 46,590  
 24 47,470  
 25 48,350  
 26 49,220  
 27 50,090  
 28 50,950  
 29 51,800  
 30 52,650  
 31 53,490  
 32 54,330  
 33 55,160  
 34 55,980  
 35 56,800  
 36 57,610  
 37 58,420  
 38 59,220  
 39 60,010  
 40 60,800  
 41 61,580  
 42 62,360  
 43 63,130  
 44 63,890  
 45 or over 64,650

The state highways and transportation commission, with respect to bridges on the supplementary system, or the person in charge of supervision or maintenance of the bridges on the county, township or city roads and streets may determine and by official order declare that certain designated bridges do not appear susceptible to unreasonable and unusual damage by reason of such higher weight limits and may legally be subjected to the higher limits in this section.] **Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.**

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

[7.] Additional routes may be designated by the state highways and transportation commission for movement or operation by vehicles or combinations of vehicles having the weights described in subsections 1 and 3 of this section.

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

[9.] **7.** Notwithstanding any provision of this section to the contrary, the department of

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

Further amend said bill, Page 3, Section 304.580, Line 3, by inserting after the word “transportation” the words **“or a contractor performing work for the department of transportation”**; and

Further amend said bill, Page 3, Section 304.580, Line 4, by inserting after the period “.” on said line the following: **“The term “work zone” or “construction zone” also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.”**; and

Further amend said bill, Page 4, Section 304.580, Line 35, by inserting after “6.” on said line the following:

**“The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.**

7.”; and

Further amend said bill, Page 4, Section 304.580, Line 10, by inserting after “304.010,” the following: **“or for a passing violation pursuant to**

**subsection 3 of this section,**; and

Further amend said bill, Page 4, Section 304.580, Line 12, by inserting after the word **“speeding”** the words **“or passing”**; and

Further amend said bill, Page 4, Section 304.580, Line 23, by inserting after the word **“speeding”** the words **“or passing”**; and

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

#### HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

**“The state highway commission shall reduce the speed from 45 to 35 miles per hour on Highway 14 at the east city limit line of Ozark, Missouri to 10th Avenue.”**; and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

**“Section 1. The director of the department of transportation shall have the authority to award grants to local governments for the purpose of obtaining retro reflective sheeting for school warning signs which shall:**

- (1) Be fluorescent yellow-green in color;
- (2) Comply with Section 7B.07 of the Manual on Uniform Traffic Control Devices of the United States Department of Transportation; and
- (3) Qualify as Type IX retro reflective sheeting as defined by the American Society for the Testing of Materials (ASTM).

**2. The grants awarded pursuant to this section shall be paid from the general revenue fund, subject to appropriation, and may not exceed a total amount of two hundred thousand dollars.**

**3. To qualify for a grant pursuant to this section, local government entities shall contribute local funds, labor or materials in an amount not less than twenty-five percent of the amount of such community's grant award.**

**4. In awarding the grants, the director shall consider the community's need for assistance based on safety concerns related to traffic control near a school. The director shall also consider awarding grants to public governmental bodies in different regions throughout the state.**

**5. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HCS for HB 660**, as amended, and has taken up and passed **SCS for HCS for HB 660**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS for HCS for SCS for SB 236**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS for HCS for SS for SCS for SB 369**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House

of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 621**, as amended. Representatives: Gratz, Hampton, Vogel, Relford and Rector.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS for HCS for HB 241**, as amended. Representatives: Smith, Willoughby, Curls, Ridgeway and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS for HCS for SCS for SB 236**, as amended. Representatives: Ladd Baker, Abel, Harlan, Shields and Portwood.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS for SCS for HB 453**, as amended. Representatives: Ransdall, Smith, Merideth, Jetton and Hohulin.

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 SCS for SB 393**, entitled:

An Act to repeal sections 167.181, 191.211, 191.411, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 332.072, 332.181, 332.261, 332.311 and 332.321, RSMo 2000, relating to dental care, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 393, by



inserting at the appropriate location the following:

**“660.026. Subject to appropriation, the director of the department of social services, or the director's designee, may contract with and provide funding support to federally qualified health centers, as defined in 42 U.S.C. Section 1396d(1)(2)(B), in this state. Funds appropriated pursuant to this section shall be used to assist such centers in ensuring that health care, including dental care, and mental health services is available to needy persons in this state. Such funds may also be used by centers for capital expansion, infrastructure redesign or other similar uses if federal funding is not available for such purposes. No later than forty-five days following the end of each federal fiscal year, the centers shall report to the director of the department of social services the number of patients served by age, race, gender, method of payment and insurance status.”;** and

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 393, Page 37, Section 332.324, Line 19, by inserting at the end of said line the following:

**“Section 1. Dental primary care and preventive health services as authorized in 105.711, RSMo, shall include examinations, cleaning, fluoride treatment, application of sealants, placement of basic restorations and emergency treatment to relieve pain.”;** and

Further amend 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 **HS** for **SCS** for **SB 374**, entitled:

An Act to amend chapter 643, RSMo, by

adding thereto one new section relating to emissions banking and trading.

In which the concurrence of the Senate is respectfully requested.

#### PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to concur in **HCS** for **SS** for **SB 244**, 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.

#### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Green, 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.

On behalf of Senator Foster, 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.

#### REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 279** to the Committee on State Budget Control.

#### 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 **HCS** for **HB 50**, with **SCS**; and **HB 249**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

#### HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 80**, with **SCS** and **SA 9** (pending), be called from the Informal

Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 9** was again taken up.

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 Caskey, Johnson, Quick and Wiggins.

**SA 9** failed of adoption by the following vote:

YEAS—Senators

|           |        |          |            |
|-----------|--------|----------|------------|
| Bland     | Caskey | DePasco  | Dougherty  |
| Goode     | House  | Jacob    | Johnson    |
| Mathewson | Quick  | Steelman | Wiggins—12 |

NAYS—Senators

|         |           |          |          |
|---------|-----------|----------|----------|
| Bentley | Cauthorn  | Childers | Gibbons  |
| Gross   | Kenney    | Kinder   | Klarich  |
| Klindt  | Loudon    | Rohrbach | Russell  |
| Scott   | Singleton | Stoll    | Westfall |

Yeckel—17

Absent—Senators

|        |           |      |           |
|--------|-----------|------|-----------|
| Foster | Schneider | Sims | Staples—4 |
|--------|-----------|------|-----------|

Absent with leave—Senator Carter—1

Senator Kenney offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting immediately after said line the following:

“94.577. 1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues

received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness.

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

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of ..... (municipality's name) impose a sales tax of ..... (insert amount) for the purpose of funding capital improvements which may include the retirement of debt under previously authorized bonded indebtedness?

YES     NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of ..... (municipality's name) issue bonds in the amount ..... of ..... (insert amount) to fund capital improvements and impose a sales tax of ..... (insert amount) to repay bonds?

YES     NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section, **except that any municipality with a population of greater than four hundred thousand and located within more than one county may submit a proposal pursuant to this section to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section if submitted to the voters on or before November 6, 2001.**

3. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements, including the operation and maintenance of capital improvements, for so long as the tax shall remain in effect. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance

of the capital improvements made with revenues raised by the tax authorized by this section. Any funds in the special trust fund required by this subsection 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 municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued pursuant to this section.

4. All revenue received by a municipality which issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of capital improvements. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have been imposed to retire bonds issued under this section.

5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.570, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to

the tax imposed under this section.

6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

7. In any city not within a county, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes the tax, the 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 municipality, the director of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality.”; and

Further amend said bill, Page 15, Section B, Line 11, by inserting after all of said line the following:

“Section C. Because immediate action is necessary to protect municipalities, the enactment of section 94.577 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to

be an emergency act within the meaning of the constitution, and the enactment of section 94.577 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 11**:

**SENATE AMENDMENT NO. 11**

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“542.261. As used in sections 542.261 to 542.296 and section 542.301, the term “peace officer” means a police officer, member of the highway patrol to the extent otherwise permitted by law to conduct searches, sheriff or deputy sheriff, **and the term “technological crime” shall be defined as it is in section 578.600, RSMo.**

542.276. 1. Any peace officer or prosecuting attorney may make application under section 542.271 for the issuance of a search warrant. **In any investigation of a technological crime, the attorney general may also make application under section 542.271 for the issuance of a search warrant.**

2. The application shall:

(1) Be in writing;

(2) State the time and date of the making of the application;

(3) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(4) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he is to search;

(5) State facts sufficient to show probable cause for the issuance of a search warrant;

(6) Be verified by the oath or affirmation of

the applicant;

(7) Be filed in the proper court;

(8) Be signed by the prosecuting attorney of the county where the search is to take place, or [his] **by the prosecuting attorney's designated assistant, or, in the case of an application to search for and seize evidence related to a technological crime, be signed by the attorney general or the attorney general's designated assistant, or the prosecuting attorney or the prosecuting attorney's designated assistant.**

3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place, or thing to be searched or of the property, article, material, substance, or person to be seized. Oral testimony shall not be considered.

4. The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, or person subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two copies.

5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court from which the warrant was issued.

6. The search warrant shall:

(1) Be in writing and in the name of the state of Missouri;

(2) Be directed to any peace officer in the state;

(3) State the time and date the warrant is issued;

(4) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(5) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he is to search;

(6) Command that the described person, place, or thing be searched and that any of the described property, article, material, substance, or person found thereon or therein be seized or photographed or copied and be returned, or the photograph or copy be brought, within ten days after filing of the application, to the judge who issued the warrant, to be dealt with according to law;

(7) Be signed by the judge, with his title of office indicated.

7. A search warrant issued under this section may be executed only by a peace officer. The warrant shall be executed by conducting the search and seizure commanded.

8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application.

9. After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized, and the name of the possessor and of the owner, when he is not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.

10. A search warrant shall be deemed invalid:

(1) If it was not issued by a judge; or

(2) If it was issued without a written application having been filed and verified; or

(3) If it was issued without probable cause; or

(4) If it was not issued in the proper county; or

(5) If it does not describe the person, place, or thing to be searched or the property, article, material, substance, or person to be seized with

sufficient certainty; or

(6) If it is not signed by the judge who issued it; or

(7) If it was not executed within the time prescribed by subsection 8 of this section.

**578.600.** As used in sections 578.600 to 578.610, “technological crime” means any crime that involves, or the commission of which has been furthered by, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to:

(1) Be programmed; or

(2) Generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, or magnetic or optical technology.

**578.605. 1.** The attorney general shall have the authority to conduct investigations of technological crimes. The attorney general may use all such powers provided by law in order to conduct such investigations.

**2.** Upon completing an investigation of a technological crime where the attorney general does not have concurrent original jurisdiction to commence a criminal action to prosecute the offense, the attorney general shall provide the information obtained during the investigation to the appropriate prosecuting attorney.

**3.** Within thirty days after the prosecuting attorney's receipt of information pursuant to subsection 2 of this section, the prosecuting attorney shall notify the attorney general whether or not the prosecuting attorney intends to commence a prosecution.

**568.610.** In the course of a criminal investigation of a technological crime, the attorney general may request the circuit judge of any county in which the suspected offense could be prosecuted to issue a subpoena to any

**witness who may have information for the purpose of oral examination under oath and to require the production of books, papers, records or other material of any evidentiary nature at such time and place as is required under the subpoena.**

**Section 1.** The investigation and enforcement techniques in chapter 407, RSMo, including 407.040, RSMo, may be used to investigate and enforce the provisions of chapter 416, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the following: “the law enforcement organization” and inserting in lieu thereof the following: “law enforcement”; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after all of said line the following:

“57.010. **1.** At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, [he] **such person** shall enter upon the discharge of the duties of [his] **such person's** office as **chief law enforcement officer of that county** on the first day of January next succeeding [his] **said** election.

**2.** Beginning January 1, 2003, any sheriff who does not hold a valid peace officer license pursuant to chapter 590, RSMo, shall refrain from personally executing any of the police

**powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any sheriff from administering the execution of police powers through duly commissioned deputy sheriffs. This subsection shall not apply:**

**(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve months after taking office; or**

**(2) To the sheriff of any county of the first classification with a charter form of government with a population over nine hundred thousand.”; and**

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

“488.5336. 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the

municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. [An additional] **Without regard to whether the aforementioned surcharge is assessed, a surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178, RSMo. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.**

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the training of county coroners and their deputies **provided that any excess funds not allocated to pay for such training may be used to pay for additional training of peace officers or for training of other law enforcement personnel employed or appointed by the county or municipality.** No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

**590.010. As used in this chapter, the following terms mean:**

**(1) “Commission”, when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;**

**(2) “Director”, the director of the Missouri department of public safety or his or her designated agent or representative;**

(3) “Peace officer”, a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;

(4) “POST commission”, the peace officer standards and training commission;

(5) “Reserve peace officer”, a peace officer who regularly works less than thirty hours per week.

590.020. 1. No person shall hold a commission as a peace officer without a valid peace officer license.

2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.

3. Notwithstanding any other provision of this chapter, no license shall be required:

(1) Of any person who has no power of arrest;

(2) To seek or hold an elected county office, subject to such requirements as chapter 57, RSMo, may impose;

(3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;

(4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on the effective date of this section and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;

(5) Of any reserve officer continually holding the same commission since August 15, 1988; or

(6) For any person continually holding any

commission as a full-time peace officer since December 31, 1978.

4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and

(2) Maintain a current address of record on file with the director.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace



officer license but not meeting the definition of a peace officer pursuant to this chapter.

**590.040. 1.** The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; and

(5) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse,

child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

**590.050. 1.** The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, non-combative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course.

2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

(1) The officer failed to meet the minimum qualifications for commission as a peace officer;

(2) The officer violated municipal, state or federal law;

(3) The officer violated the regulations of the law enforcement agency; or

(4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

(1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;

(2) Has committed any criminal offense, whether or not a criminal charge has been filed;

(3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;

(4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;

(5) Has violated a condition of any order of probation lawfully issued by the director; or

(6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the

matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

**590.090. 1.** The director shall have cause to suspend immediately the peace officer license of any licensee who:

(1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;

(2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or

revoking a peace officer license or certification; or

(3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason.

3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080.

4. Any party aggrieved by a decision of the administrative hearing commission pursuant to

this section may appeal to the circuit court of Cole County as provided in section 536.100, RSMo.

**590.100. 1.** The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

**2.** When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

**3.** Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

**4.** Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

**5.** The provisions of chapter 621, RSMo, and

**any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.**

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers in this state;

(2) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality;

(3) "Director", the director of the Missouri department of public safety;

(4) "Peace officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full time, with pay;

(5) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may

engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer.]

[590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in sections 590.100 to 590.180, the following terms shall mean:

(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;

(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

[590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic

training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

(1) One hundred twenty hours as of August 28, 1993;

(2) Three hundred hours as of August 28, 1994; and

(3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of

mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7. The peace officers standards and

training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

(a) Physical abuse;

(b) Sexual abuse;

(c) Child fatalities;

(d) Child neglect;

(e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and

family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.]

**590.110. 1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.**

**2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be**

**enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.**

[590.110. 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed

of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.]

[590.112. 1. This section applies to any employees of the sheriff's department of any county of the first classification with a population of two hundred thousand or more inhabitants, who have been certified in a program of training, including but not limited to a training and certification program established pursuant to this chapter.

2. If any person subject to subsection 1 of this section is transferred to a department of public safety or similar agency as a result of the passage of a charter form of government in the county, then notwithstanding the provisions of this chapter, or any local ordinance or order to the contrary, such person's training certification shall remain in effect and shall not lapse, and the training and certification required for the person to be employed by the sheriff's department shall be deemed adequate to be appointed to the department of public safety or similar agency. If such person is thereafter reassigned to the sheriff's department, such person shall be deemed certified for appointment to such position, notwithstanding the provisions of section 590.110, to the contrary; and the chief executive officer as defined in section 590.100, shall not be required to furnish to the director of the department of public safety evidence that such person has satisfactorily completed instruction in a course of training for peace officers.]

[590.115. 1. Training and certification requirements specified in sections 590.100

to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the



minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or

reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.]

[590.117. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. The cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.]

590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of nine members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the **POST** commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the **POST** commission shall be police chiefs, three members [of the commission] shall be sheriffs, one member [of the commission] shall represent a state law enforcement agency covered by the provisions of [sections 590.100 to 590.180] **this chapter**, and one member shall be a chief executive officer of a

certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each member of the **POST** Commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**. No member of the **POST** commission serving a full term of three years may be reappointed to the **POST** commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the **POST** commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the **POST** commission shall be for three years or until their successors are appointed. The director may remove any member of the **POST** commission for misconduct or neglect of office. Any member of the **POST** commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the **POST** commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. Annually the director shall appoint one of the members as chairperson. The **POST** commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the **POST** commission shall constitute a quorum.

4. No member of the **POST** commission shall receive any compensation for the performance of

his official duties.

5. The **POST** commission shall [establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of peace officer standards and training and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **pursuant to this chapter**.

[590.121. The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.]

[590.123. 1. The peace officer standards and training commission may promulgate rules and regulations to effectuate the purposes of this chapter. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule

with the secretary of state, the commission shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commission may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

4. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) That the rule is arbitrary and capricious.

5. If the committee disapproves any rule or portion thereof, the commission shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

6. If the committee disapproves any rule or portion thereof, the committee shall

report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

7. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

- (1) Publish and distribute to all Missouri law enforcement agencies bulletins, pamphlets, and educational materials relating to training of peace officers;
- (2) Provide seminars, in-service training and supervisory training to ensure that officers of all ranks, both appointed and elected, may be offered training in current enforcement and related subjects on a voluntary enrollment basis;
- (3) Consult with and cooperate with any law enforcement agency or division of the state government or the federal government for the development of training programs for the fulfillment of specific needs in law enforcement;
- (4) Issue or authorize the issuance of, suspend or revoke diplomas,

certificates or other appropriate indicia of compliance and qualification to peace officers who complete specialized training courses offered by the department of public safety;

(5) Encourage the further professionalization of peace officers through training and education.]

[590.130. No elected county peace officer or official shall be required to be certified under sections 590.100 to 590.180 to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers, provided that such county has five or more full-time peace officers, shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.]

[590.131. The chief executive officer of each law enforcement agency shall notify the director of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.]

[590.135. 1. The director or any of his designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;

(2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;

(3) Issue or authorize the issuance of

diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

(1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a peace officer;

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officers standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify

any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will 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 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.]

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of

sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the

county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

**590.180. 1.** No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case.

**2.** The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

**3.** In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege.

**4.** Any person or entity submitting

**information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person.**

**5.** No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030.

[590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

2. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes.]

**590.190.** 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.

**590.195. 1.** A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly:

(1) Holds a commission as a peace officer without a peace officer license valid for such

**commission; or**

**(2) Grants or continues the commission of a peace officer not validly licensed for such commission.**

**2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor.**

**3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose.**

590.650. 1. As used in this section “minority group” means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) The traffic violation or violations alleged to have been committed that led to the stop;

(3) Whether a search was conducted as a result of the stop;

(4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

(5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

(6) Whether any warning or citation was issued as a result of the stop;

(7) If a warning or citation was issued, the violation charged or warning provided;

(8) Whether an arrest was made as a result of

either the stop or the search;

(9) If an arrest was made, the crime charged; and

(10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of

vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; **and**

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review[; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling].

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

**“570.320. 1. No person shall operate a website on the Internet that causes another person's computer to dial a long distance telephone number without that other person's knowledge.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor unless the long distance charges exceed one hundred fifty dollars, in which case the person is guilty of a class C felony.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by adding after the end of said line the following:

**“544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and confined in any jail[, calaboose] or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense[; and every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in his behalf; and any person or officer who shall violate the provisions of this section, by refusing to release any person who shall be entitled to such release, or by refusing to**



permit him to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

**2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law, shall be released from custody within thirty-two hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:**

**(1) First degree murder pursuant to section 565.020, RSMo;**

**(2) Second degree murder pursuant to section 565.021, RSMo;**

**(3) First degree assault pursuant to section 565.050, RSMo;**

**(4) Forcible rape pursuant to section 566.030, RSMo;**

**(5) Forcible sodomy pursuant to section 566.060, RSMo;**

**(6) First degree robbery pursuant to section 659.020, RSMo; or**

**(7) Distribution of drugs pursuant to section 195.211, RSMo.**

**3. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.**

**4. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.”; and**

Further amend said bill, by amending the titling and enacting clauses accordingly.

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

Senator Kenney moved that **SCS for HB 80**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS for HB 80**, as amended, was read the 3rd time and passed by the following vote:

|               |           |           |           |
|---------------|-----------|-----------|-----------|
| YEAS—Senators |           |           |           |
| Bland         | Caskey    | Cauthorn  | Childers  |
| DePasco       | Dougherty | Gibbons   | Goode     |
| Gross         | House     | Johnson   | Kenney    |
| Kinder        | Klindt    | Loudon    | Mathewson |
| Quick         | Rohrbach  | Russell   | Schneider |
| Scott         | Sims      | Singleton | Staples   |
| Steelman      | Stoll     | Westfall  | Wiggins   |
| Yeckel—29     |           |           |           |

NAYS—Senator Bentley—1

|                 |       |           |
|-----------------|-------|-----------|
| Absent—Senators |       |           |
| Foster          | Jacob | Klarich—3 |

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 | Staples   |
| Steelman      | Stoll    | Westfall  | Wiggins   |
| Yeckel—33     |          |           |           |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

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

Senator Klindt moved that **HS** for **HCS** for **HB 1000**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 1** was again taken up.

Senator Gibbons moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Russell, Sims, Singleton and Stoll.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

|         |          |        |          |
|---------|----------|--------|----------|
| Gibbons | Gross    | Kenney | Klarich  |
| Loudon  | Rohrbach | Sims   | Yeckel—8 |

NAYS—Senators

|          |           |            |          |
|----------|-----------|------------|----------|
| Bentley  | Bland     | Caskey     | Cauthorn |
| Childers | DePasco   | Dougherty  | Foster   |
| Goode    | House     | Jacob      | Johnson  |
| Kinder   | Klindt    | Quick      | Russell  |
| Scott    | Singleton | Staples    | Stelman  |
| Stoll    | Westfall  | Wiggins—23 |          |

Absent—Senators

Mathewson Schneider—2

Absent with leave—Senator Carter—1

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1000, Page 48, Section 128.415, Line 57, by striking all of said line; and

Further amend said bill, Page 60, Section 128.415, Line 494, by inserting after all of said line the following:

“**BLK: 604006086**”; and

Further amend said bill, Page 79, Section 128.430, Line 37, by striking all of said line; and

Further amend said bill, Page 93, Section

128.440, line 16, by inserting after all of said line the following:

“**BLK: 506001993**”.

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

Senator Klindt moved that **SCS** for **HS** for **HCS** for **HB 1000**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HS** for **HCS** for **HB 1000**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |         |           |            |
|-----------|---------|-----------|------------|
| Bentley   | Bland   | Caskey    | Cauthorn   |
| Childers  | DePasco | Dougherty | Foster     |
| Goode     | Gross   | House     | Jacob      |
| Johnson   | Kenney  | Kinder    | Klindt     |
| Mathewson | Quick   | Rohrbach  | Russell    |
| Schneider | Scott   | Singleton | Staples    |
| Stelman   | Stoll   | Westfall  | Wiggins—28 |

NAYS—Senators

|          |         |        |      |
|----------|---------|--------|------|
| Gibbons  | Klarich | Loudon | Sims |
| Yeckel—5 |         |        |      |

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

At the request of Senator Stoll, **HCS** for **HB 50**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stelman, **HB 501**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kinder, **HB 249**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HCS** for **HBs 237, 270, 403** and **442**, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator Singleton, **HB 821** was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 1:45 p.m.

**RECESS**

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

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

**PRIVILEGED MOTIONS**

The conference committee report on **HCS** for **SS** for **SB 193**, as amended, was again taken up.

Senator Rohrbach moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

|          |            |          |           |
|----------|------------|----------|-----------|
| Bland    | Caskey     | Cauthorn | Childers  |
| DePasco  | Dougherty  | Foster   | Gibbons   |
| Goode    | Gross      | House    | Kenney    |
| Kinder   | Klarich    | Klindt   | Mathewson |
| Quick    | Rohrbach   | Russell  | Schneider |
| Scott    | Sims       | Steelman | Stoll     |
| Westfall | Wiggins—26 |          |           |

NAYS—Senator Singleton—1

Absent—Senators

|         |          |         |        |
|---------|----------|---------|--------|
| Bentley | Jacob    | Johnson | Loudon |
| Staples | Yeckel—6 |         |        |

Absent with leave—Senator Carter—1

Senator Klarich assumed the Chair.

On motion of Senator Rohrbach, **HCS** for **SS** for **SB 193**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |           |          |          |
|-----------|-----------|----------|----------|
| Bland     | Caskey    | Cauthorn | Childers |
| DePasco   | Dougherty | Foster   | Gibbons  |
| Goode     | House     | Johnson  | Kenney   |
| Kinder    | Klarich   | Klindt   | Loudon   |
| Mathewson | Quick     | Rohrbach | Russell  |
| Scott     | Sims      | Staples  | Stoll    |

Westfall                      Wiggins                      Yeckel—27

NAYS—Senators

Bentley                      Singleton—2

Absent—Senators

Gross                      Jacob                      Schneider                      Steelman—4

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

Senator 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 adopted **SCS** for **HS** for **HCS** for **HB 1000**, as amended, and has taken up and passed **SCS** for **HS** for **HCS** for **HB 1000**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended. Representatives: O'Connor, Mays, O'Toole, Burton and Cooper.

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 **SS** for **SCS** for **SB 48**, entitled:

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930, 210.936 and 630.170, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the family care safety registry, with penalty

provisions.

With House Substitute Amendment No. 2 for House Amendment No. 1, House Amendments Nos. 2, 3, 4, 5 and 6.

**HOUSE SUBSTITUTE AMENDMENT NO. 2  
FOR HOUSE AMENDMENT NO. 1**

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after said line the following:

**“Section 1. 1. In order to establish consistent and reliable guidelines for judicial review of certain court determinations, there is hereby created within the office of the governor a “Child Abuse, Custody and Neglect Commission” which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.**

**2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a certified guardian ad litem, a juvenile court judge, a member of the clergy, a psychologist, a pediatrician, an educator, the chairman of the children's services commission, a division of family services designee, and one citizen of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.**

**3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice**

**of the supreme court and the general assembly as necessary.**

**4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.**

**5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.**

**6. This section shall expire on August 28, 2004.”; and**

Further amend the title and enacting clause accordingly.

**HOUSE AMENDMENT NO. 2**

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 11, Section 210.922, Line 11, by deleting all of said section and adding in lieu thereof a new section as follows:

**“210.928. The department may use the registry information to determine the qualifications of licensed providers pursuant to this chapter and chapters 190, 195, 197, 198 and 660 RSMo. The department may not license, without specific statutory authority, any unlicensed person, corporation, or association who provides in home services under contract with the division of aging or its successor agency.”.**

**HOUSE AMENDMENT NO. 3**

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 1, Section 210.900, Line 16, by inserting before all of said line the following:

**“210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:**

**(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the**

best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

(1) The St. Louis City child assessment center;

(2) The St. Louis County child assessment center;

(3) The Jackson County child assessment center;

(4) The Buchanan County child assessment center;

(5) The Greene County child assessment center;

(6) The Boone County child assessment center;

(7) The Joplin child assessment center;

(8) The St. Charles County child assessment center;

(9) The Jefferson County child assessment center; [and]

(10) The Pettis County child assessment center;

**(11) The southeast Missouri network against sexual violence; and**

**(12) The lakes area child advocacy center.”;**  
and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 6, Section 210.906, Line 8, by inserting after the period on said line the following: **“The department’s good cause exemption for employers shall include but not be limited to**

**hospitals who have conducted a background check on the elder-care worker pursuant to the requirements of section 660.317, RSMo.”.**

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, by inserting in the appropriate location the following section:

“453.073. 1. The division of family services is authorized to grant a subsidy to a child in one of the forms of allotment defined in section 453.065. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable, and in reference to the needs of the child, including consideration of the physical and mental condition, **and** age and [racial and ethnic background] of the child in each case; provided, however, that the subsidy amount shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program.

2. The subsidy shall be paid for children who have been in the care and custody of the division of family services under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the division of family services subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the division of family services.

3. Within thirty days after the authorization for the grant of a subsidy by the division of family services, a written agreement shall be entered into by the division and the parents. The agreement shall set forth the following terms and conditions:

(1) The type of allotment;

(2) The amount of assistance payments;

(3) The services to be provided;

(4) The time period for which the subsidy is granted, if that period is reasonably ascertainable;

(5) The obligation of the parents to inform the division when they are no longer providing support to the child or when events affect the subsidy eligibility of the child;

(6) The eligibility of the child for Medicaid.

[4. In the case that the subsidized family moves from the state of Missouri, the granted subsidy shall remain in force as stipulated in the allotment agreement, as long as the adopting family follows the established requirements and, provided further, that a subsidized family which has moved its residence from the state of Missouri shall, as a condition for the continuance of the granted subsidy, submit to the division of family services by the thirtieth day of June of each year, on a form to be provided by such division, a statement of the amounts paid for expenses for the care and maintenance of the adopted child in the preceding year. If the subsidized family fails to submit such form by the thirtieth day of June of any year, payments under the provisions of sections 453.065 to 453.074 to a family which has moved its residence from the state of Missouri shall cease.]"; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after all of said line the following:

"630.405. 1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.

2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.

3. The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the

usual state purchasing procedures [under] **pursuant to** chapter 34, RSMo, for the purchase of services [under] **pursuant to** this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct [under] **pursuant to** chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.

**4. The commissioner of administration may promulgate rules authorizing the department to review, suspend, terminate, or otherwise take remedial measures with respect to contracts with vendors as defined in subsection one of this section that fail to comply with the requirements of Section 210.906 RSMo.**

**5. The commissioner of administration may promulgate rules for a waiver of chapter 34, RSMo, bidding procedures for the purchase of services for patients, residents and clients with funds appropriated for that purpose if, in the commissioner's judgement, such services can best be purchased directly by the department.**

**6. No rule or portion of a rule promulgated [under] pursuant to** the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024], **chapter 536, RSMo,"**; and

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

In which the concurrence of the Senate is respectfully requested.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended: Senators Steelman, Stoll, Scott, Klarich and Klindt.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 236**, as amended: Senators Sims, Bentley, Steelman, Johnson and Mathewson.

**CONFERENCE COMMITTEE REPORTS**

The conference committee report on **HCS** for **SB 319**, as amended, was again taken up.

Senator Bland moved that the above conference committee report be adopted, which motion prevailed 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      | Russell   | Schneider | Scott     |
| Sims          | Singleton | Staples   | Steelman  |
| Stoll         | Westfall  | Wiggins   | Yeckel—32 |

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senator Carter—1

On motion of Senator Bland, **CCS** for **HCS** for **SB 319**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE COMMITTEE SUBSTITUTE  
FOR SENATE BILL NO. 319**

An Act to repeal sections 160.518, 167.640 and 167.645, RSMo 2000, and to enact in lieu thereof four new sections relating to assessment of students, with an emergency clause.

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.

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

NAYS—Senators—None

Absent—Senators

Loudon Mathewson—2

Absent with leave—Senator Carter—1

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

Senator Bland 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 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 835, 90, 707, 373, 641, 510, 516** and **572**, with **SCS**; and **HCS** for **HB 279**, begs leave to report that it has considered the same and recommends that the bills do pass.

**PRIVILEGED MOTIONS**

Senator Bland moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 266**, 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.

**SENATE BILLS FOR PERFECTION**

Senator Klindt moved that **SB 586**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

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

Senator Klindt offered **SA 3**, which was read:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bill No. 586, Page 16, Section 128.400, Line 520, by inserting after all of said line the following:

“ST. LOUIS City”.

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

Senator Klindt moved that **SCS** for **SB 586**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 586**, as amended, was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

Senator Foster moved that **HB 662**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Maxwell assumed the Chair.

**SA 2** was again taken up.

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

Senator Quick offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section 436.303, Line 3, by changing the word “five” on said line to the word “ten”.

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

Senator Goode offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section A, Line 3, by inserting after all of said line the following:

“**8.1000.** As used in sections 8.1000 to 8.1027, the following terms shall mean:

(1) “**Design-build**”, a project for which the design and construction services are furnished under one contract;

(2) “**Design-build contract**”, a contract between the division and a design-builder, to furnish the architecture or engineering and related design services required for a given public construction project and to furnish the labor, materials and other construction services for the same public project;

(3) “**Design-builder**”, any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether itself or through subcontracts;

(4) “**Design criteria consultant**”, a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to chapter 327, RSMo, and who is employed by contract to the division to provide professional design and administrative services in connection with the preparation of the design criteria package;

(5) “**Design criteria package**”, performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the division's request for proposals for a design-build project;

(6) “**Director**”, the director of the division of design and construction;

(7) “**Division**”, the state office of administration, division of design and construction;

(8) “**Evaluation team**”, a group of people selected by the director to evaluate the proposals of the design-builders. The team shall consist of at least two representatives of the division of



design and construction and two representatives of the using agency. A fifth member shall be selected by the director and shall serve as chairman to facilitate the evaluation process and to vote only in case of a tie;

(9) "Proposal", an offer to enter into a design-build contract;

(10) "Request for proposals", the document by which the division solicits proposals for a design-build contract;

(11) "Stipend", an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the design build proposal.

8.1003. 1. Notwithstanding any other provision of the law, the division of design and construction is hereby authorized to institute a pilot program whereby the design-build procurement process may be utilized on a limited number of public projects as set out below for the purpose of demonstrating the benefits of the design-build process in the public sector. This authorization for design-build procurement shall be for the sole and exclusive use of the division of design and construction.

2. The maximum number of projects to be procured on a design-build basis during the course of this pilot program shall be no more than four projects each with an estimated cost of five million dollars or less and no more than four projects each with an estimated cost of more than five million dollars.

3. The director of design and construction shall select those projects for which the use of the design-build procurement process is appropriate. In making that determination, the director shall consider:

(1) The likelihood that the design-build method of procurement will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process;

(2) The time available to complete the project and meet the needs of the end user and any need to expedite the delivery process;

(3) The type of project and its suitability to the design-build process;

(4) The size of the project;

(5) The level of agency knowledge and confidence about the project scope and definition;

(6) The availability of using agency staff to manage the project;

(7) The availability of the division of design and construction staff to manage the project.

4. The director of design and construction shall present progress reports on any ongoing design-build projects to the general assembly at each regular session during the course of the pilot program. In addition, the director shall present a final detailed report of all completed design-build projects to the general assembly completed each year during the pilot program. Such final reports shall contain an assessment of the advantages and disadvantages of the design-build process relative to the traditional design-bid-build procurement process on such completed projects.

8.1006. The division may adopt regulations pursuant to chapter 536, RSMo, for the conduct of the design-build process.

8.1009. 1. The director shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the project.

2. A design criteria consultant may be employed or retained by the division to assist in preparation of the request for proposal, perform periodic site visits, prepare progress reports, review and approve progress and final pay applications of the design-builder, review shop drawings and submittals, decide disputes, interpret the construction documents, perform inspections upon substantial and final completion, assist in warranty inspections and to provide any other professional service where the director deems it to be in the public interest to have an independent design professional assisting with the project administration. The

consultant shall be selected and its contract negotiated in compliance with sections 8.285 to 8.291.

8.1012. 1. Notice of requests for proposals shall be advertised in accordance with section 8.250. The division shall publish a notice of a request for proposal with a description of the project, the rationale for the decision to use the design-build method of procurement, the procedures for submittal and the selection criteria to be used.

2. The director shall establish in the request for proposal a time, place and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with those instructions shall be subject to rejection.

3. A request for proposals shall be prepared for each design-build contract containing at minimum the following elements:

(1) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight and the procedures for making awards;

(2) The proposed terms and conditions for the design-build contract;

(3) The design criteria package;

(4) A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action and minority or women business enterprise requirements for the design-build contract, if any;

(8) Requirements including any available ratings for performance bonds, payment bonds and insurance; and

(9) Any other information that the division

in its discretion chooses to supply, including without limitation, surveys, soil reports, drawings of existing structures, environmental studies, photographs or references to public records.

4. The director shall solicit proposals in a three-stage process. Phase I shall be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation of a technical proposal including conceptual design for the project, and phase III shall be the proposal of the construction cost.

5. The evaluation team shall review the submittals of the proposers and assign points to each proposal in accordance with sections 8.1000 to 8.1027 and section 327.395, RSMo, and as set out in the instructions of the request for proposal.

8.1015. 1. Phase I shall require all proposers to submit a statement of qualifications which shall include, but not be limited to:

(1) Demonstrated ability to perform projects comparable in design, scope and complexity;

(2) References of owners for whom design-build projects have been performed;

(3) Qualifications of personnel who will manage the design and construction aspects of the project;

(4) The names and qualifications of the primary design consultants and contractors with whom the design-builder proposes to subcontract. The design-builder may not replace an identified subcontractor or subconsultant without the written approval of the director.

2. The evaluation team shall evaluate the qualifications of all proposers in accordance with the instructions of the request for proposal. Designers on the project shall be evaluated in accordance with the requirements of section 8.285 to 8.291. Qualified proposers selected by the evaluation team may proceed to phase II of the selection process. Proposers lacking the necessary qualifications to perform

the work shall be disqualified and shall not proceed to phase II of the process. Under no circumstances shall price or fee be a part of the prequalification criteria. Points assigned in the phase I evaluation process shall not carry forward to phase II of the process. All qualified proposers shall be ranked on points given in phases II and III only.

3. The director shall have discretion to disqualify any proposer, which in the director's opinion lacks the minimal qualifications required to perform the work.

4. Once a sufficient number of qualified proposers have been selected, the proposers shall have a specified amount of time with which to assemble phase II and phase III proposals.

8.1018. Phase II of the process shall be conducted as follows:

(1) The director shall invite the top five qualified proposers to participate in phase II of the process. If there are not five qualified proposers, then all qualified proposers will be invited to submit phase II. If three qualified proposers cannot be identified, the contracting process will cease;

(2) Proposers must submit their design for the project, to the level of detail required in the request for proposal. The design proposal should demonstrate compliance with the requirements set out in the request for proposal;

(3) The schedule for completing a project as designed by a proposer may be considered as an element of evaluation in phase II;

(4) Up to twenty percent of the points awarded to each proposer in phase II may be based on each proposers' qualifications and ability to design, construct and deliver the project on time and within budget;

(5) Under no circumstances should the design proposal contain any reference to the cost of the proposal;

(6) The design submittals will be evaluated and assigned points in accordance with the requirements of the request for proposal. Phase II shall account for no more than fifty percent of

the total point score as specified in the request for proposal.

8.1021. Phase III shall be conducted as follows:

(1) The phase III proposal must provide a firm, fixed cost of construction. The proposal must be accompanied by bid security and any other required submittals, such as statements of minority participation as required by the request for proposal;

(2) Cost proposals must be submitted in accordance with the instructions of the request for proposal. Failure to submit a cost proposal on time shall be cause to reject the proposal. Phase III shall account for not less than fifty percent of the total point score as specified in the request for proposal;

(3) Proposals for phase II and phase III shall be submitted concurrently at the time and place specified in the request for proposal. The phase III cost proposals shall be opened only after the phase II design proposals have been evaluated and assigned points;

(4) Cost proposals will be opened and read aloud at the time and place specified in the request for proposal. At the same time and place, the evaluation team will make public its scoring of phase II. Cost proposals will be evaluated in accordance with the requirements of the request for proposal. In evaluating the cost proposals, the low bidder shall be awarded the total number of points assigned to be awarded in phase III. For all other bidders, cost points will be calculated by reducing the maximum points available in phase III by two percent or more for each percentage point of the low bid by which the bidder exceeds the low bid and the points assigned will be added to the points assigned for phase II for each proposer;

(5) The responsive proposer with the highest total number of points will be awarded the contract. If the director determines, however, that it is not in the best interest of the state to proceed with the project pursuant to the proposal offered by the proposer with the highest total number of points, the director shall

reject all proposals. In such event, all qualified proposers with lower point totals shall receive a stipend pursuant to section 8.1024 and the proposer with the highest total number of points shall receive an amount equal to two times such stipend;

(6) If all proposals are rejected, the director may solicit new proposals using different design criteria, budget constraints or qualifications.

8.1024. As an inducement to qualified proposers, the division shall pay a reasonable stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful design-build proposer, the state shall acquire a nonexclusive right to use the design submitted by the proposer, and the proposer shall have no further liability for its use by the state in any manner. If the design-build proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.

8.1027. Any person or corporation that enters into a design-build contract with the division of design and construction does not violate the requirements of chapter 327, RSMo, so long as the architectural, engineering or land surveying services to be performed under the contract are performed by:

(1) Persons who are duly licensed in this state and who are employees of the design-build contractor which holds a certificate of authority from the board of registration; or

(2) Persons who are duly licensed in this state and who are under contract to the design-build contractor; or

(3) Corporations that hold current certificates of authority from the board for the appropriate profession which are under contract to the design-build contractor.

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission

is authorized to enter into one interstate national highway design-build pilot project contract within ten years of the effective date of this section. Authority for design-build authorized by this section shall expire upon completion of the project selected, unless reauthorized by law.

2. For the purpose of this section a “design-builder” is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

3. For the purpose of this section, “design-build highway project contract” is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

4. For the purpose of this section, “highway project” is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

5. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

6. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest

of the state.

7. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 5 of this section.

8. The commission may require approval of any person performing subcontract work on the design-build highway project.

9. The bid bond and performance bond requirements of section 227.100 and the payment bond requirements of section 107.170, RSMo, shall apply to the design-build highway project.

10. The commission is authorized to prescribe the form of the contracts for the work.

11. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

12. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

13. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project. The design shall become the property of the department of transportation.

14. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

15. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register

and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

16. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the Joint Transportation Oversight Committee in accordance with the provisions of section 21.795, RSMo. The annual report prior to advertisement of the design-build highway project contract shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of

completion of the project were met.

17. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

18. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

19. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

20. The provisions of this section shall be applicable to one interstate national pilot highway project which shall be selected by the commission and shall have a total maximum annual expenditure of one hundred twenty-five million dollars for the life of the design-build project.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Foster raised the point of order that SA 4 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 Foster moved that SCS for HB 662, as amended, be adopted, which motion prevailed.

Senator Foster moved that SCS for HB 662, as amended, be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

|               |          |           |         |
|---------------|----------|-----------|---------|
| YEAS—Senators |          |           |         |
| Caskey        | Childers | Dougherty | Foster  |
| Gibbons       | Goode    | Johnson   | Kenney  |
| Klarich       | Klindt   | Loudon    | Russell |
| Stoll         | Westfall | Yeckel—15 |         |

|               |           |           |            |
|---------------|-----------|-----------|------------|
| NAYS—Senators |           |           |            |
| Bland         | Cauthorn  | DePasco   | Gross      |
| House         | Kinder    | Mathewson | Rohrbach   |
| Sims          | Singleton | Steelman  | Wiggins—12 |

|                 |           |       |           |
|-----------------|-----------|-------|-----------|
| Absent—Senators |           |       |           |
| Bentley         | Jacob     | Quick | Schneider |
| Scott           | Staples—6 |       |           |

Absent with leave—Senator Carter—1

**PRIVILEGED MOTIONS**

Senator Steelman moved that SCS for SB 374, with HS, be taken up for 3rd reading and final passage, which motion prevailed.

HS for SCS for SB 374, entitled:

HOUSE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 374

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

Was taken up.

Senator Steelman moved that HS for SCS for SB 374 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         | Rohrbach  | Schneider | Scott     |
| Sims          | Singleton | Steelman  | Stoll     |
| Westfall      | Wiggins   | Yeckel—31 |           |

NAYS—Senators—None

|                 |           |
|-----------------|-----------|
| Absent—Senators |           |
| Russell         | Staples—2 |

Absent with leave—Senator Carter—1

On motion of Senator Steelman, HS for SCS for SB 374 was read the 3rd time and passed by the following vote:

YEAS—Senators

|          |           |           |           |
|----------|-----------|-----------|-----------|
| Bentley  | Bland     | Caskey    | Cauthorn  |
| Childers | 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 DePasco—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Steelman 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.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SCS** for **HB 662**, as amended, failed on 3rd reading and final passage, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

|           |           |           |           |
|-----------|-----------|-----------|-----------|
| Bentley   | Caskey    | Childers  | Dougherty |
| Foster    | Gibbons   | Goode     | Gross     |
| Jacob     | Johnson   | Kenney    | Kinder    |
| Klarich   | Klindt    | Loudon    | Mathewson |
| Quick     | Russell   | Schneider | Scott     |
| Singleton | Steelman  | Stoll     | Westfall  |
| Wiggins   | Yeckel—26 |           |           |

NAYS—Senators

|       |          |       |            |
|-------|----------|-------|------------|
| Bland | Cauthorn | House | Rohrbach—4 |
|-------|----------|-------|------------|

Absent—Senators

|         |      |           |
|---------|------|-----------|
| DePasco | Sims | Staples—3 |
|---------|------|-----------|

Absent with leave—Senator Carter—1

At the request of Senator Foster, **SCS** for **HB 662**, as amended, was placed on the Informal Calendar.

**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 **SCS** for **SB 586**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**THIRD READING OF SENATE BILLS**

Senator Klindt requested unanimous consent of the Senate to suspend Senate Rule 52 and take **SCS** for **SB 586** up for 3rd reading and final passage, which request was granted.

**SCS** for **SB 586**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 586**

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Was taken up.

On motion of Senator Klindt, **SCS** for **SB 586** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |          |          |           |
|-----------|----------|----------|-----------|
| Bentley   | Cauthorn | Childers | Foster    |
| Gibbons   | Gross    | Kenney   | Kinder    |
| Klarich   | Klindt   | Loudon   | Mathewson |
| Rohrbach  | Russell  | Scott    | Sims      |
| Singleton | Staples  | Steelman | Westfall  |
| Yeckel—21 |          |          |           |

NAYS—Senators

|       |        |            |           |
|-------|--------|------------|-----------|
| Bland | Caskey | DePasco    | Dougherty |
| Goode | House  | Jacob      | Johnson   |
| Quick | Stoll  | Wiggins—11 |           |

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

### PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 48**, 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.

Senator Sims moved that the Senate refuse to concur in **HS** for **SCS** for **SB 393**, 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.

### HOUSE BILLS ON THIRD READING

At the request of Senator Caskey, **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 279** was placed on the Informal Calendar.

Senator Sims moved that **HB 949**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 7** was again taken up.

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

At the request of Senator Sims, **SS** for **SCS** for **HB 949**, as amended, was withdrawn.

Senator Sims offered **SS No. 2** for **SCS** for **HB 949**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366,

197.367 and 198.531, RSMo 2000, relating to health care, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions and a termination date for certain sections.

Senator Sims moved that **SS No. 2** for **SCS** for **HB 949** be adopted.

Senator Caskey offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 949, Page 13, Section 197.374(5), Line 11, by inserting after the words "Science sanitoriums;" the following:

**"and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer."**

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SS No. 2** for **SCS** for **HB 949** is out of order as **SS No. 2** goes beyond the scope and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **HB 949**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Wiggins moved that **SCS** for **SB 290**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **SCS** for **SB 290**, as amended, entitled:

#### HOUSE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 290

An Act to repeal sections 56.807, 56.816, 86.200, 86.207, 86.213, 86.233, 86.237, 86.250, 86.251, 86.252, 86.253, 86.256, 86.257, 86.260, 86.263, 86.267, 86.288, 86.290, 86.292, 86.300, 86.320, 86.340, 86.353, 86.360, 86.365, 86.370,



86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750, 86.780, 87.120, 87.130, 87.135, 87.170, 87.185, 87.205, 87.215, 87.237, 87.240, 87.288, 87.310 and 87.371, RSMo 2000, relating to certain relief and pension systems, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 290**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

|         |           |          |           |
|---------|-----------|----------|-----------|
| Bentley | Caskey    | Cauthorn | Childers  |
| DePasco | Dougherty | Gibbons  | Goode     |
| Gross   | House     | Jacob    | Johnson   |
| Kenney  | Kinder    | Klarich  | Klindt    |
| Loudon  | Mathewson | Quick    | Rohrbach  |
| Russell | Scott     | Sims     | Singleton |
| Staples | Steelman  | Stoll    | Westfall  |
| Wiggins | Yeckel—30 |          |           |

NAYS—Senators—None

Absent—Senators

|       |        |             |
|-------|--------|-------------|
| Bland | Foster | Schneider—3 |
|-------|--------|-------------|

Absent with leave—Senator Carter—1

On motion of Senator Wiggins, **HS** for **SCS** for **SB 290**, as amended, was read the 3rd time and passed 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 |
| Westfall | Wiggins   | Yeckel—31 |          |

NAYS—Senators—None

Absent—Senators

|       |         |
|-------|---------|
| Bland | Stoll—2 |
|-------|---------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Wiggins 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.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 279**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to supplemental newborn screening.

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

On motion of Senator Stoll, **HCS** for **HB 279** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |            |          |          |
|-----------|------------|----------|----------|
| Bentley   | Caskey     | Cauthorn | Childers |
| 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—30 |          |          |

NAYS—Senators—None

Absent—Senators

|       |         |          |
|-------|---------|----------|
| Bland | DePasco | Yeckel—3 |
|-------|---------|----------|

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

**HB 821**, introduced by Representative Hosmer, entitled:

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to a University of Missouri program to assist organ transplant patients.

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

On motion of Senator Singleton, **HB 821** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |          |            |           |
|-----------|----------|------------|-----------|
| Bentley   | Caskey   | Cauthorn   | Childers  |
| Dougherty | Foster   | Gibbons    | Goode     |
| Gross     | House    | Jacob      | Johnson   |
| Kenney    | Klindt   | Loudon     | Mathewson |
| Quick     | Rohrbach | Russell    | Schneider |
| Scott     | Sims     | Singleton  | Staples   |
| Steelman  | Westfall | Wiggins—27 |           |

NAYS—Senators—None

Absent—Senators

|       |          |        |         |
|-------|----------|--------|---------|
| Bland | DePasco  | Kinder | Klarich |
| Stoll | Yeckel—6 |        |         |

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.

**HB 471**, with **SCS**, introduced by Representative Jolly, et al, entitled:

An Act to repeal sections 195.222 and 195.223, RSMo 2000, relating to drug trafficking, 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 Wiggins.

**SCS** for **HB 471**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 471

An Act to repeal sections 195.017, 195.070, 195.222, 195.223 and 195.400, RSMo 2000, and to enact in lieu thereof five new sections relating to drug trafficking, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 471** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting after all of said line the following:

**“478.009. 1. In order to coordinate the allocation of resources available to drug courts throughout the state, there is hereby established a “Drug Courts Coordinating Commission” in the judicial department. The drug courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug courts or for operation of drug courts; secure grants, funds and other property and services necessary or desirable to facilitate drug court operation; and allocate such resources among the various drug courts operating within the state.**

**2. There is hereby established in the state treasury a “Drug Court Resources Fund”, which shall be administered by the drug courts coordinating commission. Funds available for allocation or distribution by the drug courts**

coordinating commission may be deposited into the drug court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug court resources fund.”; and

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

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

Senators Schneider and Wiggins offered SA 2:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

**“441.236. In the event that any premises to be rented, leased, sold, transferred or conveyed is or was used as a site for methamphetamine production, the owner, seller, landlord or other transferor shall disclose in writing to the prospective lessee, purchaser or transferee the fact that methamphetamine was produced on the premises, provided that the owner, seller, landlord or other transferor has knowledge of such prior methamphetamine production. The owner shall disclose any prior knowledge of methamphetamine production, regardless of whether the persons involved in the production were convicted for such production.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

**“537.297. 1. The following words as used in**

**this section shall have the following meanings:**

**(1) “Owner”, all of the following persons:**

**(a) Any person who lawfully owns anhydrous ammonia;**

**(b) Any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia;**

**(c) Any person responsible for the installation or operation of such containers, equipment or storage facilities;**

**(d) Any person lawfully selling anhydrous ammonia;**

**(e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;**

**(f) Any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;**

**(2) “Tamperer”, a person who commits or assists in the commission of tampering;**

**(3) “Tampering”, transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility, without prior authorization from the owners.**

**2. A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss arising from his or her participation in the act of tampering. A tamperer or any person related to a tamperer shall not commence a direct or derivative action against any owner. Owners are immune from suit by a tamperer or any person related to a tamperer and shall not be held liable for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to a tamperer.**

**3. The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute willful or wanton negligence.**

**570.030. 1. A person commits the crime of stealing if he or she appropriates property or**

services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters

required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.**

5. The theft of any item of property or services under subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

**578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the**

**department of agriculture or the United States Department of Transportation.**

**2. A violation of this section is a class D felony.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered **SA 4:**

**SENATE AMENDMENT NO. 4**

Amend Senate Committee Substitute for House Bill No. 471, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) “Addict”, a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) “Administer”, to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) “Agent”, an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) “Attorney for the state”, any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

(5) “Controlled substance”, a drug, substance,

or immediate precursor in Schedules I through V listed in sections 195.005 to 195.425;

(6) “Controlled substance analogue”, a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(7) “Counterfeit substance”, a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(8) “Deliver” or “delivery”, the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(9) “Dentist”, a person authorized by law to practice dentistry in this state;

## (10) “Depressant or stimulant substance”:

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(11) “Dispense”, to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. “Dispenser” means a practitioner who dispenses;

(12) “Distribute”, to deliver other than by administering or dispensing a controlled substance;

(13) “Distributor”, a person who distributes;

(14) “Drug”:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(15) “Drug-dependent person”, a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) “Drug enforcement agency”, the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(17) “Drug paraphernalia”, all equipment, products, **substances** and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bonges;

m. Ice pipes or chillers;

**(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;**

In determining whether an object, **product, substance or material** is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;

(d) The proximity of the object to controlled substances or imitation controlled substances;

(e) The existence of any residue of controlled substances or imitation controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a

finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National or local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use;

**(o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;**

(18) “Federal narcotic laws”, the laws of the United States relating to controlled substances;

(19) “Hospital”, a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term “hospital” does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo;

(20) “Immediate precursor”, a substance which:

(a) The state department of health has found to be and by rule designates as being the principal

compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

(21) “Imitation controlled substance”, a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an “imitation controlled substance” the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An



imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

(22) "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

(23) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or

(b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

(24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof, including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except

the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(25) "**Methamphetamine precursor drug**", any drug containing ephedrine, pseudo-ephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

(26) "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(26)] (27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(27)] (28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its

racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(28)] (29) “Opium poppy”, the plant of the species *Papaver somniferum* L., except its seeds;

**(30) “Over-the-counter sale”, a retail sale licensed pursuant to chapter 144, RSMo, of a drug other than a controlled substance;**

[(29)] (31) “Person”, an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

[(30)] (32) “Pharmacist”, a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

[(31)] (33) “Poppy straw”, all parts, except the seeds, of the opium poppy, after mowing;

[(32)] (34) “Possessed” or “possessing a controlled substance”, a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(33)] (35) “Practitioner”, a physician, dentist, optometrist, podiatrist, veterinarian, scientific

investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(34)] (36) “Production”, includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(35)] (37) “Registry number”, the number assigned to each person registered under the federal controlled substances laws;

[(36)] (38) “Sale”, includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(37)] (39) “State” when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(38)] (40) “Ultimate user”, a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(39)] (41) “Wholesaler”, a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.”; and

Further amend said bill, page 22, section 195.223, line 102, by inserting immediately after said line the following:

“195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances

where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425.

**2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.**

**3.** A person who violates this section is guilty of a class D felony.

195.246. 1. It is unlawful for any person to possess [ephedrine, its salts, optical isomers and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical isomers] **any methamphetamine precursor drug** with the intent to manufacture **amphetamine**, methamphetamine or any of [its] **their** analogs.

**2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.**

**3.** A person who violates this section is guilty of a class D felony.”; and

Further amend said bill, page 25, section 195.400, line 118, by inserting immediately after said line the following:

**“195.417. 1. No person shall deliver in any single over-the-counter sale more than three packages of any methamphetamine precursor drug or any combination of methamphetamine precursor drugs.**

**2. This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of**

**health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.**

**3. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.**

**4. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.**

**195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited to:**

**(1) Sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and**

**(2) For nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.**

**2. Any person holding a retail sales license pursuant to chapter 144, RSMo, who knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.**

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by

section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class B felony.**

5. The theft of any item of property or services under subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

**578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.**

**2. A violation of this section is a class D felony.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Wiggins moved that **SCS** for **HB 471**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 471**, as amended, was read the 3rd time and passed 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 | Rohrbach |
| Russell   | Schneider | Scott     | Sims     |
| Singleton | Staples   | Steelman  | Stoll    |
| Westfall  | Wiggins   | Yeckel—31 |          |

## NAYS—Senators—None

## Absent—Senators

Bland Quick—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Wiggins 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 message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 617**, entitled:

An Act to repeal sections 67.1360, 67.1545, 135.110, 135.150, 135.208, 135.209, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 135.545, 319.129, 319.131, 319.132, 319.133, 348.300, 348.302, 620.1450, RSMo 2000, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee

substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, sections 135.200 and 135.535 as those sections were as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, relating to tax incentives for economic development, and to enact in lieu thereof thirty-six new sections relating to tax incentives for economic development.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 15.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 80, Section 135.406, Line 3, by inserting after the word “sections” the number “135.400”.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 6, Section 67.1442, Line 17 of said page, by deleting from said line the word “**forty-nine**” and inserting in lieu thereof the following: “**forty**”; and

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

## HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 136 to 141, Section 319.129, Lines 18 to 24 of Page 136, Lines 1 to 24 of Pages 137, 138, 139, and 149, and Lines 1 to 17 of Page 141, by deleting all of said lines; and

Further amend said bill, Pages 141 to 150, Section 319.131, Lines 18 to 24 of Page 141, Lines 1 to 24 of Pages 142 to 149, and Lines 1 to 5 of Page 150, by deleting all of said lines; and

Further amend said bill, Pages 150 to 152, Section 319.132, Lines 6 to 24 of Page 150, Lines 1 to 24 of Page 151, and Lines 1 to 21 of Page 152, by deleting all of said lines; and

Further amend said bill, Pages 152 and 153, Section 319.133, Lines 22 to 24 of Page 152 and Lines 1 to 19 of Page 153, by deleting all of said lines; and

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

## HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 99 to 106, Section 135.500, Lines 6 to 24 of Page 99, Lines 1 to 24 of Pages 100 to 105, and Lines 1 to 6 of Page 106 by deleting all of said lines and inserting in lieu thereof the following:

“135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the “Missouri Certified Capital Company Law”.

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) “Affiliate of a certified company”:

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the

Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) “Applicable percentage”, one hundred percent;

(3) “Capital in a qualified Missouri business, any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business[. Capital in a qualified Missouri business shall not include secured debt instruments];

(4) “Certified capital **investment**”, an investment of cash by an investor in a Missouri certified capital company **that fully funds either the investor's equity interest in a certified capital company, a qualified debt instrument that a certified capital company issues, or both;**

(5) “Certified capital company”, any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

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

(7) “Director”, the director of the department of economic development or a person acting under the supervision of the director;

(8) “Investor”, any insurance company that contributes cash;

(9) “Liquidating distribution”, payments to investors or to the certified capital company from earnings;

(10) “Person”, any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) **“Qualified debt instrument”, a debt instrument that a certified capital company issues at par value or at a premium that:**

**(a) Has an original maturity date of at least five years from the date on which it was issued;**

**(b) Has a repayment schedule that is no faster than a level principal amortization; and**

**(c) Until the certified capital company may make distributions other than qualified distributions, the interest, distribution or payment features of which are not related to the certified capital company's profitability or the performance of its investment portfolio;**

(12) “Qualified distribution”, any distribution of payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company [; and] **which, on an annual basis, do not exceed two and one-half percent of the certified capital company's total certified capital;**

**(c) Reasonable and necessary fees paid for professional services related to the operation of the certified capital company; and**

[(c)] **(d) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;**

[(12)] **(13) “Qualified investment”, the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in**

**a qualified Missouri business. The investment must also be for the purchase of an equity security of the qualified business or a debt security of the qualified business, provided the debt has a maturity of at least one year. The debt security must be unsecured or be convertible into equity securities or equity participation instruments such as options or warrants, unless the debt security is issued by:**

**(a) A qualified Missouri agricultural business; or**

**(b) A qualified business located in a distressed community and has been approved by the director. Such approval by the director shall not be unreasonably withheld and shall be granted or denied within fifteen business days of request by the certified capital company.**

As a condition of the investment, the qualified business must agree to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment;

**(14) “Qualified Missouri agricultural business”, any independently owned and operated business, which is headquartered and located in Missouri, which has at least eighty percent of its employees working in Missouri, which is involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians, and meets the requirements of paragraphs (a), (b), (e) and (f) of subdivision (15) of subsection 2 of this section, and which is either:**

**(a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its**

**most recent complete fiscal year shall not have exceeded five million dollars; or**

**(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;**

[(13)] **(15)** “Qualified Missouri business”, an independently owned and operated business, which is headquartered and [located] **has its principal business operations** in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business:

**(a)** Shall have no more than two hundred employees[.];

**(b)** **Shall have at least** eighty percent of [which are] **its employees** employed in Missouri[. Such business];

**(c)** Shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians[.];

**(d)** If [such business] **it** has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars[.];

**(e)** **Shall certify that it will maintain its headquarters and principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment; and**

**(f)** **If** any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years

from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the [other] qualifications of **paragraphs (a), (b) and (d)** of this [subsection] **subdivision** at the time of such follow-on investments, **provided, however, that such business continues to meet the other requirements set forth in this subdivision, and such business reaffirms its intention to maintain its headquarters and its principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation;**

[(14)] **(16)** “State premium tax liability”, any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.”; and

Further amend said bill, Pages 114 to 122, Section 135.516, Lines 23 to 24 of Page 114, Lines 1 to 24 of Pages 115 to 121, and Lines 1 to 9 of Page 122, by deleting all of said lines and inserting in lieu thereof the following:

“135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or



have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be

received by the company[, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate]:

**(a) Shall be held in a financial institution or held by a registered broker-dealer;**

**(b) Shall not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company;**

**(c) Shall be invested only in:**

**a. Any United States Treasury obligations;**

**b. Certificates of deposit or other obligations, maturing within three years after acquisitions of such certificates or obligations, issued by a financial institution or trust company incorporated pursuant to the laws of the United States;**

**c. Obligations which (i) are rated "A" or better by any nationally recognized credit rating agency, or (ii) issued by, or guaranteed with respect to payment by, an entity whose unsecured indebtedness is rated "A" or better by any nationally recognized credit rating agency and which is not subordinated to other unsecured indebtedness of the issuer or guarantor, as the case may be;**

**d. Mortgage-backed securities, with an average life of five years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;**

**e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States government, are not private-label issues, are in book-entry form, and do not include the classes of interest only, principal only, residual or zero; or**

**f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in subparagraphs a to e of this paragraph.**

2. The proceeds of all certified capital which is received by a certified capital company after it

was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

[2.] **3.** A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments, **and, with respect to qualified investments made with certified capital raised after August 28, 2001, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

**4. In the event that a business in which a qualified investment is made fails to comply**

**with its agreement to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment, by relocating its headquarters or principal business operations of such business within the state to another state, the cumulative amount of qualified investment shall be reduced for purposes of this subsection only by the amount of such qualified investment, unless:**

**(1) The certified capital company invests an amount of at least equal to the investment of certified capital in the relocated business in a qualified business located in the state or in a distressed community, if the investment is to be credited to a distressed community allocation, within six months of the relocation; or**

**(2) The business demonstrates that it has returned its principal business operations to Missouri or a distressed community, if the investment is to be credited to a distressed community allocation, within three months of such relocation.**

[3.] **5.** No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

[4.] **6.** Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

[5.] **7.** Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital

was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.”; and

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

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 32, Section 135.200, Line 8, by inserting after all of said line the following:

“135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

**(4) Any city with a population of at least one hundred and forty thousand inhabitants that is located in a county of the first classification with a noncharter form of government with a population of less than two hundred and seventy thousand which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits, one of which shall be east of and adjacent to its municipally owned airport and one on land**

**owned by the city which contains a wastewater treatment plant with a treatment capacity of five million six hundred thousand cubic feet per day and an electric power plant having a capacity of at least two hundred seventy-five megawatts. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.**

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a

full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255."; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.302, Line 17, by inserting after all of said line the following:

"447.700. As used in sections 447.700 to 447.718, the following terms mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 260, RSMo, and has been vacant for a period of not less than three years from the time an application is made to the department of economic development;

(2) "Allowable cost", all or part of the costs of project facilities, including the costs of acquiring the property, relocating any remaining occupants, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping or furnishing project facilities, demolition, site clearance and preparation, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project or providing project facilities, architectural, engineering and legal service fees and expenses,

the costs of conducting any other activities as part of a voluntary remediation and such other expenses as may be necessary or incidental to the establishment or development of an eligible project and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs. **In any third class city with a population of more than eleven thousand but less than twelve thousand inhabitants located in a county of the first classification with a population of more than eighty thousand but less than eighty-two thousand inhabitants, allowable costs shall also include twenty-five percent of the demolition costs up to one hundred twenty-five thousand dollars of any building or structure which is located on the site of an abandoned or underutilized property;**

(3) “Applicant”, the person that submits an application for consideration of a project or location or real property for financial, tax credit or other assistance pursuant to sections 447.700 to 447.718; an applicant may not be any party who intentionally or negligently caused the release or potential release of hazardous substances at the eligible project as that term is defined pursuant to chapter 260, RSMo;

(4) “Eligible project”, abandoned or underutilized property to be acquired, established, expanded, remodeled, rehabilitated or modernized for industry, commerce, distribution or research or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities, attract new businesses to the state, prevent existing businesses from leaving the state and improve the economic welfare of the people of the state. The term “eligible project”, without limitation, includes voluntary remediation conducted pursuant to sections 260.565 to 260.575, RSMo. To be an “eligible project” pursuant to sections 447.700 to 447.718, the obligations of the prospective applicant and the governmental agency shall be defined in a written agreement signed by both parties. The facility, when completed, shall be operated in compliance with applicable federal, state and local environmental statutes, regulations and ordinances. An “eligible project” shall be determined by

consideration of the entire project. The definition or identification of an “eligible project” shall not be segmented into parts to separate commercial and industrial uses from residential uses;

(5) “Financial assistance”, direct loans, loan guarantees, and grants pursuant to sections 447.702 to 447.706; and tax credits, inducements and abatements pursuant to section 447.708;

(6) “Governmental action”, any action by a state, county or municipal agency relating to the establishment, development or operation of an eligible project and project facilities that the governmental agency has authority to take or provide for the purpose under law, charter or ordinance, including but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies;

(7) “Governmental agency”, the state, county and municipality and any department, division, commission, agency, institution or authority, including a municipal corporation, township, and any agency thereof and any other political subdivision or public corporation; the United States or any agency thereof; any agency, commission or authority established pursuant to an interstate compact or agreement and any combination of the above;

(8) “Person”, any individual, firm, partnership, association, limited liability company, corporation or governmental agency, and any combination thereof;

(9) “Project facilities”, buildings, structures and other improvements and equipment and other property or fixtures, excluding small tools, supplies and inventory, and public capital improvements;

(10) “Public capital improvements”, capital improvements or facilities owned by a governmental agency and which such agency has authority to acquire, pay the costs of, maintain, relocate or operate, or to contract with other persons to have the same done, including but not

limited to, highways, roads, streets, electrical, gas, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities;

(11) “Underutilized”, real property of which less than thirty-five percent of the commercially usable space of the property and improvements thereon, are used for their most commercially profitable and economically productive use; or property that was used by the state of Missouri as a correctional center for a period of at least one hundred years and which requires environmental remediation before redevelopment can occur, if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of, said property;

(12) “Voluntary remediation”, an action to remediate hazardous substances and hazardous waste pursuant to sections 260.565 to 260.575, RSMo.”; and

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

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 136, Section 135.545, Line 17 of said page, by inserting after all of said line the following:

**“135.552. 1. As used in this section, the following terms shall mean:**

(1) **“Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;**

(2) **“Director”, the director of the department of public safety;**

(3) **“Sexual violence crisis service center”, a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community. For purposes of**

**this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support groups at no charge and community education and prevention education;**

(4) **“State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;**

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

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the**

credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

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

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned

among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

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

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

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

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

in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

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

(5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

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

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

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

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

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

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

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

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative



amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

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

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.631. The tax credits available pursuant to sections 135.552 and 135.630 shall not be

available in any tax year beginning after December 31, 2006, but any tax credit claimed pursuant to section 135.552 or 135.630 prior to that date may be carried forward as otherwise provided by those sections.”; and

Further amend said bill, page 157, Section 348.302, Line 17 of said page, by inserting after all of said line the following:

“620.1039. 1. As used in this section, the term “taxpayer” means an individual, a partnership, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term “qualified research expenses” has the same meaning as prescribed in 26 U.S.C. 41.

2. For tax years beginning on or after January 1, 2001, the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years

or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are

subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The aggregate of all tax credits authorized pursuant to this section shall not exceed [nine] **five** million seven hundred thousand dollars in any year.”; and

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

#### HOUSE AMENDMENT NO. 10

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 84, Section 620.1450, Line 21, by inserting after all of said section the following:

**“Section 1. In third class counties with a population of fewer than 30,000 people and bordered by a state line and at least two other third class counties, a tax credit shall be granted to the owner of a recreation facility with at least six baseball diamonds, equal to eighty-five percent of costs incurred for improvements and/or repairs made to such facility, with an annual cap on the tax credit of \$10,000. The credit must be claimed the same calendar year in which the costs were incurred. A claimant must apply to the Department of Economic Development, as prescribed by the director, who shall certify the credit to the taxpayer and to the Department of Revenue. The credit is nonrefundable and cannot be carried forward or back.”; and**

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

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 60, Section 135.200, Line 21, by inserting after said line the following:

“135.205. For purposes of sections 135.200 to 135.256, an area must meet all the following criteria in order to qualify as an enterprise zone:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the area must be at least four thousand but not more than seventy-two thousand at the time of designation as an enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau; or, if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation must be at least one thousand but not more than [twenty] **twenty-five** thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis.”; and

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

#### HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Line 20, by inserting after all of said line the following:

**“Section 1. 1. The governor is hereby authorized and empowered to sell, transfer,**

**grant and convey all interest in fee simple absolute in property owned by the state in the County of St. Francois, State of Missouri, to the St. Francois County Habitat for Humanity, Inc. The property to be conveyed is more particularly described as follows:**

**A tract of land situated in the city of Farmington and the state of Missouri, lying in part of Lot 70 of the Subdivision of United States Survey 2969, Township 35 North, Range 5 East of the fifth Principal Meridian, described as follows, to wit: Commencing at the Southeast corner of Lot 4 of Crosswinds - Amended Plat 1, a subdivision filed for record in Plat Book 14 at Page 42, being on the West right-of-way line of Perrine Road, the POINT OF BEGINNING of the tract herein described; thence South 07°05'05” West 150.00' along said West right-of-way line; thence leaving said West right-of-way line, North 82°45'45” West 167.67'; thence North 07°05'05” East 150.00' to the Southwest corner of Lot 42 of Crosswinds - Plat 2, a subdivision filed for record in Plat Book 15 at Page 163; thence South 82°45'45” East 167.67' along the South line of said Lot 42 and said Lot 4 to the point of beginning. Containing 0.58 acres, more or less.**

**SUBJECT TO ALL easements, conditions, restrictions and right-of-ways of record and those not of record.**

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

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

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

## HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.300, Line 17, by inserting after all of said line the following:

“620.010. 1. There is hereby created a “Department of Economic Development” to be headed by a director appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its divisions, agencies and personnel.

2. The office of director of the department of business and administration, chapter 35, RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the department of economic development. The department of business and administration is hereby abolished.

3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are transferred by type I transfer to the personnel division, office of administration.

4. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers, and the state banking board, chapter 361, RSMo, and others, and the savings and loan commission, chapter 369, RSMo, and others, are transferred by type II transfers to the department of economic development. The director of the department is directed to provide and coordinate staff and equipment services to these agencies in the interest of facilitating the work of the bodies and achieving optimum efficiency in staff services common to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public

service commission from presenting additional budget requests or from explaining or clarifying its budget requests to the governor or general assembly.

5. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the department of economic development. Funding for the general counsel's office shall be by general revenue.

6. The public service commission is authorized to employ such staff as it deems necessary for the functions performed by the general counsel other than those powers, duties and functions relating to representation of the public before the public service commission.

7. There is hereby created a “Division of Credit Unions” in the department of economic development, to be headed by a director, nominated by the department director and appointed by the governor with the advice and consent of the senate. All the powers, duties and functions vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are transferred to the division of credit unions of the department of economic development, by a type II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the director of the division of credit unions shall be set by the director of the department within the limits of the appropriations therefor. The director of the division shall assume all the duties and functions of the state supervisor of credit unions and the commissioner of finance only where the director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

8. The powers, duties and functions vested in the division of finance, chapters 361, 362, 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department of economic development. There shall be a director of the division who shall be nominated by the department director and appointed by the governor with the advice and consent of the senate.

9. All the powers, duties and functions vested in the director of the division of savings and loan

supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other provision of law are transferred to the division of finance of the department of economic development by a type I transfer. The position of the director of the division of savings and loan supervision is hereby abolished. The director of the division of finance shall assume all the duties and functions of the director of the division of savings and loan supervision as provided in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law. The division of savings and loan is hereby abolished. The powers of the savings and loan commission are hereby limited to hearing appeals from decisions of the director of the division of finance approving or denying applications to incorporate savings and loan associations or to establish branches of savings and loan associations and approving regulations pertaining to savings and loan associations. Any appeals shall be held in accordance with section 369.319, RSMo.

10. On and after August 28, 1990, the status of the division is modified under a specific type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of the division is modified from that of a division transferred to the department of economic development pursuant to a type II transfer, as provided for in this section, to that of an agency possessing the characteristics of a division transferred pursuant to a type III transfer; provided, however, that the division will remain within the department of economic development. The division of insurance shall be assigned to the department of economic development as a type III division, and the director of the department of economic development shall have no supervision, authority or control over the actions or decisions of the director of the division. All authority, records, property, personnel, powers, duties, functions, matter pending and all other pertinent vestiges pertaining thereto shall be retained by the division except as modified by this section. If the division of insurance becomes a department by operation of a constitutional amendment, the department of economic development shall continue until December 31, 1991, to provide at least the same

assistance as was provided in previous fiscal years for personnel, data processing support and other benefits from appropriations.

11. All the powers, duties and functions of the commerce and industrial development division and the industrial development commission, chapters 184 and 255, RSMo, and others, not otherwise transferred, are transferred by type I transfer to the department of economic development, and the industrial development commission is abolished. All powers, duties and functions of the division of commerce and industrial development and the division of community development are transferred by a type I transfer to the department of economic development, and the division of commerce and industrial development and the division of community development are abolished.

12. All the powers, duties and functions vested in the tourism commission, chapter 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type III transfer.

13. All the powers, duties and functions of the department of community affairs, chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the department of economic development, and the department of community affairs is abolished. The director of the department of economic development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

14. (1) There is hereby established a "Division of Professional Registration" assigned to the department of economic development as a type III division, headed by a director appointed by the director of the department with the advice and consent of the senate.

(2) The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for

licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall issue the original license or certificate.

(3) The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

(4) The director of the division shall establish a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds, moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

(5) For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subdivision (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

(6) The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all

relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

(7) All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department of economic development are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names [and addresses], registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names [and addresses] of applicants for such licenses is not confidential information.

15. (1) The division of registration and examination, department of education, within chapter 161, RSMo, and others, is abolished and the following boards and commissions are transferred by specific type transfers to the division of professional registration, department of economic development: state board of accountancy, chapter 326, RSMo; state board of barber examiners, chapter 328, RSMo; state board of registration for architects, professional engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334, RSMo; Missouri dental board, chapter 332, RSMo; state

board of embalmers and funeral directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry, chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri veterinary medical board chapter 340, RSMo. The governor shall appoint members of these boards by and with the advice and consent of the senate from nominees submitted by the director of the department.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor.

All clerical and other staff services relating to the issuance and renewal of licenses of the individual boards and commissions are abolished. All clerical and other staff services pertaining to collecting and accounting for moneys and to financial management relative to the issuance and renewal of licenses of the individual boards and commissions are abolished. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall

mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of economic development. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

(6) Each board or commission shall receive complaints concerning its licensees' business or professional practices. Each board or commission shall establish by rule a procedure for the handling of such complaints prior to the filing of formal complaints before the administrative hearing commission. The rule shall provide, at a minimum, for the logging of each complaint received, the recording of the licensee's name, the name of the complaining party, the date of the complaint, and a brief statement of the complaint and its ultimate

disposition. The rule shall provide for informing the complaining party of the progress of the investigation, the dismissal of the charges or the filing of a complaint before the administrative hearing commission.

16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo, and others, are transferred by type I transfer to the division of professional registration. The athletic commission is abolished.

17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

19. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

20. 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 chapter 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. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with



all applicable provisions of law. 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, 1999, shall be invalid and void.

620.145. 1. The division of professional registration shall maintain, for each board in the division, a registry of each person holding a current license, permit or certificate issued by that board. The registry shall contain the name, Social Security number and address of each person licensed or registered together with other relevant information as determined by the board. The registry for each board shall at all times be available to the board and copies shall be supplied to the board on request. Copies of the registry, except for the registrant's Social Security number **and address**, shall be available from the division or the board to any individual who pays the reasonable copying cost. Any individual may copy the registry during regular business hours. The information in the registry shall be furnished upon request to the division of child support enforcement. Questions concerning the currency of license of any individual shall be answered, without charge, by the appropriate board. Each year each board may publish, or cause to be published, a directory containing the name [and address] of each person licensed or registered for the current year together with any other information the board deems necessary. Any expense incurred by the state relating to such publication shall be charged to the board. An official copy of any such publication shall be filed with the director of the department of economic development.

2. Notwithstanding any provision of law to the contrary, each board shall require each person applying for a license, permit or certificate, or a renewal of a license, permit or certificate to furnish the board with the applicant's Social Security number.”; and

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

## HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 86, Section 135.460, Line 8 of said page, by deleting the following: “**schools, including schools**”, and inserting in lieu thereof the following: “**public schools, including public schools**”; and

Further amend said bill, Page 86, Section 135.460, Line 11 of said page, by inserting after the word “**initiatives**” the following: “. **Any public school may reject any donation made pursuant to this subdivision, or subdivisions (4) (5) or (6) of this subsection**”; and

Further amend said bill, Page 86, Section 135.460, Line 13 of said page, by inserting after the word “**to**” the following: “**public**”; and

Further amend said bill, Page 86, Section 135.460, Line 15 of said page, by inserting after the word “**of**” the following: “**public**”; and

Further amend said bill, Page 86, Section 135.460, Line 22, by inserting at the end of said line the following: “**public**”; and

Further amend said bill, Page 87, Section 135.460, Line 4, by inserting after the following: “**housing a**” the following “**public**”.

In which the concurrence of the Senate is respectfully requested.

## MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 4, 2001 for your advice and consent:

Yvonne Hunter, Republican, 21 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Hilary Ryals Huffman, withdrawn.

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.

Having voted on the prevailing side, Senator Kenney moved that the vote by which the motion to return the appointment of Yvonne Hunter to the Governor was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

|           |           |          |           |
|-----------|-----------|----------|-----------|
| Bentley   | Caskey    | Cauthorn | Childers  |
| DePasco   | Dougherty | Foster   | Gibbons   |
| Goode     | Gross     | Jacob    | Johnson   |
| Kenney    | Kinder    | Klarich  | Klindt    |
| Loudon    | Mathewson | Rohrbach | Russell   |
| Schneider | Scott     | Sims     | Singleton |
| Staples   | Steelman  | Stoll    | Westfall  |
| Wiggins   | Yeckel—30 |          |           |

NAYS—Senator House—1

Absent—Senators

|       |         |
|-------|---------|
| Bland | Quick—2 |
|-------|---------|

Absent with leave—Senator Carter—1

President Pro Tem Kinder withdrew his motion to return the appointment of Yvonne Hunter to the Governor.

**HOUSE BILLS ON THIRD READING**

**HS for HCS for HBs 924, 714, 685, 756, 734 and 518, with SCS, entitled:**

An Act to repeal sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

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

**SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 924, 714, 685, 756, 734 and 518**

An Act to repeal sections 21.795, 144.805, 226.030, 226.120, 226.200 and 227.100, RSMo 2000, relating to transportation, and to enact in lieu thereof twenty-four new sections relating to the same subject and an effective date for a certain section.

Was taken up.

Senator Mathewson moved that **SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518** be adopted.

Senator Mathewson offered **SS for SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518**, entitled:

**SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 924, 714, 685, 756, 734 & 518**

An Act to repeal sections 21.795, 142.803, 144.440, 144.700, 144.805, 226.030, 226.133, 226.134, 226.200 and 227.100, RSMo 2000, and to enact in lieu thereof eighteen new sections relating to transportation, with penalty provisions and a referendum clause.

Senator Mathewson moved that **SS for SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518** be adopted.

Senator Scott offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 15, Section 226.133, Line 11, by inserting immediately after the word “year.” on said line the following:

**“The sale of such bonds shall be negotiated after a competitive selection process with an underwriting group managed by firms**

headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs.”.

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

Senator Jacob offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 8, Section 142.803, Line 14 of said page, inserting immediately at the end of said line the following: **“In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel;”**; and

Further amend said bill, page 30, Section 227.107, line 22, by inserting immediately after said line the following:

“301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

|                                      |            |               |
|--------------------------------------|------------|---------------|
| 6,000 pounds and under .....         | \$ [25.50] | <b>33.00</b>  |
| 6,001 pounds to 9,000 pounds .....   | [38.00]    | <b>49.50</b>  |
| 9,001 pounds to 12,000 pounds .....  | [38.00]    | <b>49.50</b>  |
| 12,001 pounds to 18,000 pounds ..... | [63.00]    | <b>82.00</b>  |
| 18,001 pounds to 24,000 pounds...    | [100.50]   | <b>131.00</b> |
| 24,001 pounds to 26,000 pounds...    | [127.00]   | <b>165.00</b> |
| 26,001 pounds to 30,000 pounds...    | [180.00]   | <b>234.00</b> |
| 30,001 pounds to 36,000 pounds...    | [275.50]   | <b>357.50</b> |
| 36,001 pounds to 42,000 pounds...    | [413.00]   | <b>537.00</b> |
| 42,001 pounds to 48,000 pounds...    | [550.50]   | <b>716.00</b> |
| 48,001 pounds to 54,000 pounds...    | [688.00]   | <b>894.00</b> |

|                                   |            |                 |
|-----------------------------------|------------|-----------------|
| 54,001 pounds to 60,010 pounds .. | [825.50]   | <b>1,073.00</b> |
| 60,011 pounds to 66,000 pounds .  | [1,100.50] | <b>1,431.00</b> |
| 66,001 pounds to 73,280 pounds..  | [1,375.50] | <b>1,788.00</b> |
| 73,281 pounds to 78,000 pounds..  | [1,650.50] | <b>2,146.00</b> |
| Over 78,000 pounds .....          | [1,719.50] | <b>2,235.00</b> |

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen dollars and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state [highway] **highways and transportation** department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a

trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen dollar and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name, mailing or residence address, such person shall notify the director. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age shall expire on the applicant's birthday the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state.

The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than twenty-four thousand pounds shall be operated**

**in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent

with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below

fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

**11. As used in this section, the word “truck” means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term “truck” also includes a commercial motor vehicle as defined in section 301.010, RSMo.**

**12. (1) The operator of any truck registered for a gross weight of more than twenty-four thousand pounds operating such vehicle at a speed in excess of seventy miles per hour shall be fined one thousand dollars.**

**(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation.**

622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations, inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] of **two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the [highway] **state highways and transportation department** fund of the state of Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon offered **SA 1 to SA 2**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and

518, Page 6, Section 304.010, Line 2, by deleting the word “five” and replacing it with the word “nine”.

Senator Loudon moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of SA 1 to SA 2 and was joined in his request by Senators Mathewson, Russell, Scott and Wiggins.

At the request of Senator Loudon, SA 1 to SA 2 was withdrawn.

SA 2 was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mathewson, Westfall, Wiggins and Scott.

President Maxwell assumed the Chair.

SA 2 failed of adoption by the following vote:

YEAS—Senators

|         |        |           |          |
|---------|--------|-----------|----------|
| Bentley | Bland  | Dougherty | Goode    |
| Jacob   | Kenney | Schneider | Yeckel—8 |

NAYS—Senators

|         |           |          |           |
|---------|-----------|----------|-----------|
| Caskey  | Cauthorn  | Childers | DePasco   |
| Foster  | Gibbons   | Gross    | House     |
| Johnson | Kinder    | Klarich  | Klindt    |
| Loudon  | Mathewson | Quick    | Rohrbach  |
| Russell | Scott     | Sims     | Singleton |
| Staples | Steelman  | Stoll    | Westfall  |

Wiggins—25

Absent—Senators—None

Absent with leave—Senator Carter—1

Senator Kinder offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 31, Section 1, Line 4 of said page, by inserting after all of said line the following:

“Section 2. Moneys in excess of thirty million

dollars, including any interest thereon, received by any attorneys who have acted on behalf of the state relating to the case of State of Missouri ex rel. Nixon v. The American Tobacco Co., et al, shall be paid to the state road fund and, upon appropriation, be used for the construction and rehabilitation of state highways.”; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Mathewson raised the following point of order:

Mr. President: I wish to raise a point of order concerning the amendment for SS for SCS for HS for HCS for HBs 924 et al. Per Missouri Senate Rule 96, which states that in situations where there is no Missouri Senate Rule, the rules of the United States Senate apply, I cite the following U.S. Senate rules:

1) Rule XVI (page 192) - The funding for a portion of this bill is based on a contingency, unreceived deductions from attorneys’ fees. Amendments dependent upon the happening of a contingency - in this case, the reduction and reallocation of lawyers’ fees for transportation funding - is a contravention of paragraph 4 of Rule XVI and not in order.

2) Rule XVI, paragraphs 4 and 6, (page 151) - The funding in this SCS attempts to appropriate through regular legislation, which is in contravention of paragraphs 4 and 6 of Rule XVI.

Finally, under U.S. Senate Rule XIV, the funding amendment violates various constitutional provisions. It impairs the obligation of contracts (2 contracts at issue): a.) A contract between the State and Tom Strong, which the Missouri Supreme Court has already ruled is valid and binding; and b.) A contract between two private parties. The amendment is also a taking of private property for public use without just compensation by taking money for use by the State which, by contract, is payable to the attorneys. Lastly, the amendment is an unconstitutional “bill of attainder” in that it would operate retroactively to disturb validly vested rights.

If this amendment remains in the bill and is later held to be invalid or unconstitutional by a court, because the funding provisions are fundamental to the statutory plan, its validity is fatal to the entire legislation. Therefore, the senator from Cape Girardeau's amendment could be nonseverable following enactment.

It must be noted that when a point of order is made against an amendment on the grounds that it violates the Constitution, U.S. Senate Rule XIV stipulates that point of order must be submitted by the Chair to the Senate for a vote and when so submitted is subject to a motion to table, but if the Senate is operating under cloture the point of order is not debatable.

The point of order was referred to the President Pro Tem.

Senator Jacob submitted the following relative to the pending point of order:

**MEMORANDUM**

TO: Senator Kinder  
 FROM: Jeff Davis  
 DATE: April 11, 2001  
 RE: Jacobs-SB 402 Amendment

Jacobs has an amendment that would add SB 402 (removing gaming loss limits to fund educational scholarships) to the charter school bill or another educational bill. Similar to our attempt to amend tobacco attorney fees on SB 454, he uses casino revenues as a funding mechanism for education. He also strips out the loss limits, etc. Dr. Valentine opines that the portion stripping out the loss limits violates Article III, Section 23 of the Missouri Constitution which states that a bill can have no more than one subject. Since the subject of this provision is removing the casino loss limits and the subject of the bill is funding educational scholarships, a point of order should be well taken.

This is a setup-If you do this, then you would have to rule consistently on your amendments pending to SB 438 as well.

I do not necessarily think this is a bad thing. If we establish rigid rules for germaneness, it will be much more difficult to amend anything onto a bill

that we don't want amended on there. We probably need to think about this a little more before you make a decision.

Senator Jacob raised a further point of order that **SA 3** is out of order in that it is not germane and goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Jacob not well taken.

At the request of Senator Kinder, **SA 3** was withdrawn, rendering the point of order raised by Senator Mathewson moot.

Senator Westfall offered **SA 4**:

**SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Line 27 of said page, by inserting after all of said line the following:

**“226.033. 1. A commission member, during his or her tenure, shall not:**

**(1) Personally solicit political contributions in a speech given at a fundraiser;**

**(2) Allow his or her official title to be used in connection with fundraising activities;**

**(3) Solicit, accept or receive political contributions;**

**(4) Organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate for partisan political office or of a political party or partisan political group;**

**(5) Take an active part in managing the political campaign of a candidate for partisan political office or a candidate for political party office; or**

**(6) Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature or similar material.**

**2. If a commission member engages in any**



**of the activities set forth in subsection one of this section, such activity shall be considered misconduct pursuant to section 226.030. If the governor finds that the commissioner's involvement in such activities affects the commissioner's ability to carry out his or her official duties in a nonpartisan manner, the governor may remove the offending commissioner from the commission.”; and**

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Klindt, Mathewson and Russell.

**SA 4** was adopted by the following vote:

YEAS—Senators

|           |           |          |          |
|-----------|-----------|----------|----------|
| Cauthorn  | Childers  | Foster   | Gibbons  |
| Gross     | Kenney    | Kinder   | Klarich  |
| Klindt    | Loudon    | Rohrbach | Russell  |
| Sims      | Singleton | Steelman | Westfall |
| Yeckel—17 |           |          |          |

NAYS—Senators

|           |        |            |           |
|-----------|--------|------------|-----------|
| Bland     | Caskey | DePasco    | Dougherty |
| Goode     | House  | Jacob      | Johnson   |
| Mathewson | Quick  | Schneider  | Scott     |
| Staples   | Stoll  | Wiggins—15 |           |

Absent—Senator Bentley—1

Absent with leave—Senator Carter—1

Senator Cauthorn offered **SA 5**:

**SENATE AMENDMENT NO. 5**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 26, Section 227.107, Line 14 of said page, by inserting after the word “contract” the following: **“and one state highway design build project as described in subsection 21 of this section”**; and

Further amend said bill, page 30, Section 227.107, line 14 of said page, by striking “shall be”, and further amend line 15 of said page by

striking “one” and insert in lieu thereof **“the”**; and further amend line 15 of said page, by striking the word “which”; and further amend line 22 of said page, by inserting after all of said line the following:

**“22. The state highway design build project authorized by subsection 1 of this section shall apply to a highway which extends from the county seat within a county of the third classification having a population of at least fifteen thousand three hundred but less than fifteen thousand four hundred to a county seat within a county of the third classification having a population having at least twenty four thousand five hundred but less than twenty four thousand six hundred. The design build contract for the highway described in this subsection shall be for the design, construction or improvement of a highway segment which is at least fifteen miles in length, but not exceeding thirty miles in length.”.**

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

Senator Klarich assumed the Chair.

Senator Foster offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Line 10 of said page, by striking the words “United States congressional” and inserting in lieu thereof the word **“transportation”**; and further amend line 22 of said page, by inserting after the word “provided.” the following: **“Following voter approval of this act, the president pro tem of the senate and the speaker or house minority floor leader of the same political party as the president pro tem shall nominate three candidates for each vacancy on the commission and the minority floor leader of the senate and the speaker or house minority floor leader of the same political party shall nominate three candidates for each vacancy on the commission. The governor shall select one candidate from each party. The candidates shall**

**be appointed on or before June thirtieth in odd-numbered years. In the event of a vacancy on the commission, the political party of the vacating member shall submit three candidates for selection as a member to the commission to the governor within thirty days of the vacancy. The governor shall have fifteen days to select a new member of the commission. The new member of the commission shall serve only the remainder of the unexpired six-year term of the vacating member.”.**

Senator Foster moved that the above amendment be adopted.

Senator Sims offered **SSA 1** for **SA 6**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Lines 6-11, by striking the brackets “[ ]” and the word “eight” on line 6 and on line 8, by striking the brackets “[ ]” and the word **four**” and on lines 9-11, by removing all underlined words.

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

President Maxwell assumed the Chair.

At the request of Senator Mathewson, **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

**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 **HCS** for **SB 288**, entitled:

An Act to repeal sections 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.250, 59.255, 59.257, 59.260, 59.300, 347.189, 347.740, 351.120, 351.127, 351.220, 351.268, 351.410, 351.415, 351.430, 351.435, 351.440, 351.458, 351.478, 351.482, 355.023, 356.233, 359.653, 400.1-105, 400.1-201, 400.2-103, 400.2-210,

400.2-326, 400.2-401, 400.2-502, 400.2-716, 400.2A-103, 400.2A-303, 400.2A-307, 400.2A-309, 400.4-210, 400.7-503, 400.8-103, 400.8-106, 400.8-110, 400.8-301, 400.8-302, 400.8-510, 400.9-101, 400.9-102, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-115, 400.9-116, 400.9-201, 400.9-202, 400.9.203, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-307, 400.9-308, 400.9-309, 400.9-310, 400.9-311, 400.9-312, 400.9-313, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-402, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507, 400.9-508 and 417.018, RSMo 2000 relating to business procedures regulated by the secretary of state and related matters, and to enact in lieu thereof one hundred ninety new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1, 2, 3, House Substitute Amendment No. 1 for House Amendment No. 6 and House Amendment No. 7.

**HOUSE AMENDMENT NO. 1**

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Section A, Page 4, Line 4, by inserting all the following immediately after said line:

“28.681. 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice **filed with the secretary of state** be signed by any person shall be satisfied by an electronically transmitted **identification in a format prescribed by the secretary of state.** [signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data is changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.]

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated [digital signature] **identification in a format prescribed by the secretary of state.** The execution of any statement, document or notice [with a digital signature] pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

**4. The secretary of state may promulgate rules pursuant to the provisions of Section 536.024, RSMo, to effectuate the provisions of this section.**

[28.681. 1. Any statement, document or notice, except any document or judicial decree relating to the secretary of state's statutory or constitutional duties regarding elections, required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, may be filed, transmitted, stored and maintain in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need e submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice be signed by any person shall be satisfied by an electronically transmitted signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data are changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated digital signature. The execution of any statement, document or notice with a digital signature pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice or are otherwise required to file such statement, document or notice.]; and

Further amend said house substitute, Section 417.018, Page 271, Line 1, by inserting all the following immediately after said line:

**“Section 1. The Secretary of State may adopt rules to authorize the electronic facsimile filing of any document filed with the Secretary under any provision administered by the Secretary. The rules may set forth standards for the acceptance of a form of signature other than the proper handwriting of a person. A signature or document filed by electronic facsimile in accordance with rules promulgated pursuant to this section shall be prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the facsimile.”; and**

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House

Committee Substitute for Senate Bill No. 288, Section 59.800, Page 11, Line 16, by deleting “seven” and inserting in lieu thereof “five”; and

Further amend said section, Page 11, Line 20, by deleting “fifty” and inserting in lieu thereof “twenty-five”; and

Further amend said section, Page 12, Line 2, by deleting all of said line and inserting in lieu thereof “(2) One dollar and seventy-five cents to the county general revenue fund; and”; and

Further amend said section, Page 12, Lines 3-10, by deleting all of said lines; and

Further amend said section, Page 12, Line 11, by deleting all of said line and inserting in lieu thereof “(3) Two dollars to the fund established in”; and

Further amend said section, Page 12, Line 16, by deleting “(4)” and inserting in lieu thereof “(3)”; and

Further amend said section, Page 12, Line 20, by inserting “or have heretofore elected” after “elect”; and

Further amend said section, Page 12, Line 22, by deleting “(1), (2) and (3)” and inserting in lieu thereof “(1) and (2)”; and

Further amend said section, Page 12, Line 23, by deleting “sixty” and inserting in lieu thereof “fifty-five”; and

Further amend said section, Page 13, Line 3, by inserting “or has heretofore elected” after “elects”; and

Further amend said section, Page 13, Line 5, by deleting “sixty” and inserting in lieu thereof “fifty-five”; and

Further amend said section, Page 13, line 6, by deleting “(1), (2) and (3)” and inserting in lieu thereof “(1) and (2)”; and

Further amend said house substitute, Section 400.9-525, Page 217, Line 18, by deleting “five” and inserting in lieu thereof “twelve”; and

Further amend said section, Page 217, Line 20, by deleting “rule;” and inserting in lieu thereof the following:

“rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;” and

Further amend said section, Page 218, Line 4, by deleting “five” and inserting in lieu thereof “twelve”; and

Further amend said section, Page 218, Line 6, by deleting “rule;” and inserting in lieu thereof the following:

“rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;” and

Further amend said section, Page 218, Line 16, by deleting “fifteen” and inserting in lieu thereof “twenty-two”; and

Further amend said section, Page 218, Line 18, by deleting “rule;” and inserting in lieu thereof the following:

“rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees’ retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general

**revenue fund of that charter county or city not within a county;”**; and

Further amend said section, Page 219, Line 3, by inserting all the following immediately after said line:

**“(f) The secretary of state shall administer a special trust fund, which is hereby established, to be known as the “Uniform Commercial Code Transition Fee Trust Fund”, and which shall be funded by seven dollars of each of the fees received and collected pursuant to subdivisions (a), (b) and (c) of this section on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees’ retirement fund.**

**(1) The secretary of state shall keep accurate record of the moneys in the uniform commercial code transition fee trust fund allocated to each county and city not within a county on the basis of where such record, financing statement or other document would have been filed prior to the effective date of this act, and shall distribute the moneys pursuant to subdivision (2) of this subsection on that basis.**

**(2) The moneys in the uniform commercial code transition fee trust fund shall be distributed to the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees’ retirement fund**

**(3) The moneys in the uniform commercial code transition fee trust fund shall not be deemed to be state funds, provided, however that interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury.”**; and

Further amend said house substitute, Section 400.9-710, Page 270, Lines 5-6, by deleting **“June 30, 2001”** and inserting in lieu thereof **“the effective date of this act”**; and

Further amend the title, enacting clause and

intersectional references accordingly.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Page 5, Section 59.042, Line 20, by deleting the number **“1.”**; and

Further amend said bill, Page 6, Section 59.042, Lines 1 through 19, by deleting all of said lines; and

Further amend said bill, Page 6, Section 59.043, Line 22, by inserting between the words **“the”** and **“November”** the word **“next”**; and

Further amend said line by placing an opening bracket in front of the word **“following”**; and

Further amend said bill, Page 7, Section 59.043, Line 1, by placing a closing bracket after the word **“clerk.”**

#### HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Page 271, Line 1, by adding a new section after said line as follows:

**“431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire or otherwise interfere with the employment of one or more employees shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031, RSMo, if:**

**(1) Between two or more corporations or other business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each corporation or business entity) during, and for a reasonable period following, negotiations between such corporations or entities for the acquisition of all or a part of one or more of such corporations or entities;**

**(2) Between two or more corporations or business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential or trade secret business information shared or to be shared**

between or among such corporations or entities;

(3) **Between an employer and one or more employees seeking on the part of the employer to protect:**

(a) **Confidential or trade secret business information; or**

(b) **Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the employer; or**

(4) **Between an employer and one or more employees, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than one year following the employee's employment; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services.**

2. Whether a covenant covered by this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its post-employment duration is no more than one year.

3. Nothing in this subdivision (3) or (4) of subsection 1 of this section is intended to create, or to affect the validity or enforceability of, employer-employee covenants not to compete.

4. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.

5. Nothing in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or non-voluntary.

6. This section shall have retrospective as

well as prospective effect.”; and

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

#### HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Section 59.041, Page 5, Line 12, by inserting “1.” before “Notwithstanding”; and

Further amend said section, Page 5, Line 19, by inserting all the following immediately after said line:

“2. Notwithstanding the provisions of this chapter or chapter 478, RSMo., or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than 27,600 but less than 28,600 and wherein the offices of the District I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the District I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of District I clerk of the circuit court shall remain appointed by the circuit court.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 365**, entitled:

An Act to repeal sections 67.1003, 67.1300, 67.1360, 67.1775, 71.640, 94.812, 210.861 and

311.178, RSMo 2000, section 67.571 as truly agreed to and finally passed by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bills nos. 323 and 230, ninety-first general assembly, first regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and to enact in lieu thereof thirty-six new sections relating to local taxes and tourism.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 2, 3, 4 and 6.

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

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 67, Section 311.178, Line 24 of said page, by deleting all of said line and inserting in lieu thereof the following: **“the following day.”**; and

Further amend said bill Page 68, Section 311.178, Lines 1 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the following: **“The time of opening on Sunday may be 11:00 a.m.”**; and

Further amend said bill Page 68, Section 311.178, Line 13 of said page by deleting all of said line and inserting in lieu thereof the following: **“equals one hundred thousand dollars or more;”**; and

Further amend said bill Page 68, Section 311.178, Line 18 of said page by deleting all of said line and inserting in lieu thereof the following: **“meeting space and having a restaurant located on the premises; and**

**(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of liquor control and shall provide a practical method for the division of liquor control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.**

**3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.”**; and renumber subsections accordingly; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 10, Section 67.576, Line 9, by deleting from said line the number **“144.510”** and inserting in lieu thereof the following: **“144.525”**; and

Further amend said bill, Page 10, Section 67.576, Line 15, by deleting from said line the number **“144.510”**; and inserting in lieu thereof the following: **“144.525”**; and

Further amend said bill, Page 10, Section 67.576, Line 19, by deleting from said line the number **“144.510”**; and inserting in lieu thereof the following: **“144.525”**; and

Further amend said bill, Page 11, Section 67.576, Line 8, by deleting from said line the number **“144.510”**; and inserting in lieu thereof the following: **“144.525”**; and

Further amend said bill, Page 11, Section 67.576, Line 23, by deleting from said line the number **“144.510”**; and inserting in lieu thereof the following: **“144.525”**; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 3, Section A, Line 1, by inserting after all of said line the following:

**“26.730. 1. There is hereby established within the office of the lieutenant governor a “Missouri Multicultural Center and Program”, which shall serve as an all-purpose all-encompassing resource for local political subdivisions and government agencies, including but not limited to counties, municipalities, judicial circuits, law enforcement agencies, school districts, public health agencies or any other political subdivisions or local government agencies, state governmental agencies, nongovernmental community agencies, businesses, advocacy groups, immigrants, refugees and international tourists in this state. The center and program, as directed by the multicultural citizens' advisory committee, may develop outreach materials, in various formats, and shall serve as a communications link to direct persons to where materials are available, which describe the resources, opportunities, informational sites or other informational sources that the committee determines would be of assistance to the entities listed in this subsection. The materials and links described in this subsection shall, at minimum, be made available in electronic format, or in any other form the committee deems appropriate. The center and program may contract, subject to approval by the office of administration, for the provision of the information and services described in this subsection with any higher educational facility in the state or any other outside source it deems capable of adequately providing such services and information.**

**2. There is hereby established within the office of the lieutenant governor a “Multicultural Citizens' Advisory Committee”, which shall develop and implement, or facilitate the development and implementation of, the program authorized pursuant to subsection 1 of**

**this section. The committee shall consist of twenty-five members, to be appointed as follows:**

**(1) Five persons employed by state executive departments, one from each of the following five departments, to be designated by the director of the appropriate department: elementary and secondary education, social services, health, economic development and public safety;**

**(2) Four members of the general assembly, as follows:**

**(a) Two members of the house of representatives appointed by the speaker of the house of representatives, one from each major political party; and**

**(b) Two members of the senate appointed by the president pro tem of the senate, one from each major political party;**

**(3) Fifteen citizens of this state who work directly with the multicultural population of this state, appointed by the lieutenant governor; and**

**(4) The lieutenant governor, who shall serve as an ex officio member of the committee.**

**3. The initial members of the committee shall be appointed between September 1, 2001, and December 31, 2001. Beginning January 1, 2002, all appointees shall become members of the committee, and the lieutenant governor shall cause the committee to meet no later than sixty days after that date. Upon the first meeting constituting a quorum of the committee, the committee shall select one of its members as chair. The chair shall serve as chair for two years, and the committee may reappoint the chair for an additional term or select a new chair at the expiration of such term. The committee shall meet on a regular basis until the program described in this section has been developed, and then the committee shall meet only as needed. The members of the committee shall serve four-year terms, except that the first term of the following members shall be for two years:**

**(1) The members appointed by the**



**department of economic development and the department of public safety;**

**(2) One member appointed by the speaker of the house of representatives and one member appointed by the president pro tem of the senate, as selected by the speaker and the president pro tem prior to the appointment of the committee member;**

**(3) Eight members appointed by the governor, as selected by the governor prior to the appointment of the committee member.**

**4. Vacancies on the committee shall be filled as soon as is practicable by the person charged with the appointment of the person who vacated the position. Members of the committee shall not be compensated for their duties as members, but shall receive reimbursement for all actual and necessary expenses incurred in the course of performing such duties, provided that the lieutenant governor shall not receive such expenses.**

**5. The committee shall submit to the lieutenant governor a list of three names, one of which the lieutenant governor shall employ as an executive director, who shall serve as the executive officer of the committee. As a priority, the director shall have a background and knowledge of the experiences and transition faced by individuals with multicultural backgrounds moving to Missouri and international tourists visiting in Missouri. The salary and office space for the executive director, as well as the expenses for committee hearings, shall be provided by the office of the lieutenant governor.”; and**

Further amend said bill, Page 58, Section 311.178, Line 58, by inserting after all of said section the following:

“Section B. Because immediate action is necessary to provide full, meaningful and expedited access for immigrants and refugees to the public services of this state, section 26.730 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 26.730

of this act shall be in full force and effect upon its passage and approval.”; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 59, Section 135.200, Line 9, by inserting after all of said line the following:

**“311.094. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 11:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any establishment located in an international airport and owned or leased, and operated by an airline.**

**2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an international airport license in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, an international airport shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees.”; and**

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 1, In the Title, Line 27 of said page, by inserting after the word “tourism” the following: “, with an effective date for a certain section”; and

Further amend said bill, Page 63, Section

135.200, Line 12 of said page, by inserting after all of said line the following:

**“137.102. 1. This section shall be known and may be cited as “The Missouri Homestead Preservation Act”.**

**2. As used in this section, the following terms mean:**

**(1) “Homestead”, the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home; and**

**(2) “Owner”, a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint tenants, or tenants in common, and who declared ownership of the property on each of the five immediately preceding annual property declaration statements, and who actually paid the five immediately preceding annual property tax assessments.**

**3. Beginning in any tax year which begins on or after January 1, 2002, the assessed value of property in class 1, excluding any value added by new construction or improvements, owned by any owner who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that owner resides on that property after attaining the age of sixty-five years.”; and**

Further amend said bill, Page 70, Section 1, Line 5 of said page, by inserting after all of said line the following:

**“Section B. The enactment of section 137.102 of section A of this act shall become effective January 1, 2002, and shall apply to all taxable years beginning after December 31, 2001.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 462**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 462**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended. Representatives: Hollingsworth, Britt, Campbell, Ridgeway and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 266**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 266**, as amended. Representatives: Barry, Smith, Kennedy, Holand and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SB 393**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **SCS** for **SB 393**, as amended. Representatives: Treadway, Johnson (90), Shoemyer, Bartelsmeyer and Holand.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended: Senators Sims, Bentley, Klarich, Johnson and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SB 393**, as amended: Senators Sims, Singleton, Bentley, Wiggins and Bland.

### REFERRALS

President Pro Tem Kinder referred **SCS** for **HB 662**, as amended, to the Committee on State Budget Control.

### MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 1, 2001 for your advice and consent:

Audrey R. Jones, Democrat, 19 Washington Terrace, St. Louis City, Missouri 63112, as Chairperson and member of the Board of the Election Commissioners for St. Louis City, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Floyd A. Kimbrough, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 1, 2001 for your advice and consent:

Richard W. Sullivan, Democrat, 3847 Rue de Renard, Florissant, St. Louis County, Missouri 63034, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 1, 2001 for your advice and consent:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Joseph Neill, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 1, 2001 for your advice and consent:

Pamela S. Wright, Republican, 893 Alanson, University City, St. Louis County, Missouri 63132, as Secretary and member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed

and qualified; vice, John Moten, Jr., term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 15, 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 May 1, 2001 for your advice and consent:

Judy A. Zakibe, Republican, 3216 Regal Place, St. Louis City, Missouri 63139, as Secretary and member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Edward E. Ottinger, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 266**, as amended: Senators Bland, Stoll, Steelman, Westfall and Sims.

### RESOLUTIONS

Senator Kenney offered Senate Resolution No. 823, regarding World No Tobacco Day, which was adopted.

Senator Rohrbach offered Senate Resolution No. 824, regarding Captain Bill Swineburg, Lake Ozark, which was adopted.

Senators Rohrbach and Russell offered Senate Resolution No. 825, regarding Father John F. Degan, St. Elizabeth, which was adopted.

Senator DePasco offered Senate Resolution No. 826, regarding Carl DiCapo and John David DiCapo, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 827, regarding Union Planter's Bank, which was

adopted.

Senator Stoll offered Senate Resolution No. 828, regarding the Fifth Wedding Anniversary of Mr. and Mrs. Timothy Robert Koch, Fenton, which was adopted.

Senator Caskey offered Senate Resolution No. 829, regarding Leonard L. Smith, Jr., Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 830, regarding Curtis Dale Lashley, Kansas City, which was adopted.

### MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 16, 2001

TO THE SECRETARY OF THE SENATE  
91st GENERAL ASSEMBLY  
FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 443 entitled:

AN ACT

To repeal section 306.165, RSMo 2000, relating to water patrol officers, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 16, 2001, I approved said Senate Bill No. 443.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 16, 2001

TO THE SECRETARY OF THE SENATE  
91st GENERAL ASSEMBLY  
FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 224 entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto twenty new sections relating to law enforcement districts, with an emergency clause.

On May 16, 2001, I approved said Senate Bill No. 224.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 16, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 431 entitled:

AN ACT

To authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

On May 16, 2001, I approved said Senate Committee Substitute for Senate Bill No. 431.

Respectfully submitted,

BOB HOLDEN

Governor

**INTRODUCTIONS OF GUESTS**

Senator Klarich introduced to the Senate, the Physician of the Day, Jennifer L. Scheer, M.D., Gerald.

Senator Staples introduced to the Senate, Kyle Richardson; his parents, Susan and Jack; and his brother, Clark, Farmington.

Senator Bland introduced to the Senate, Jerry Kline, Jan Ropcke, Dave Marino and Robert Lowe, Kansas City.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 17, 2001.

SENATE CALENDAR

SEVENTY-FIFTH DAY-THURSDAY, MAY 17, 2001

FORMAL CALENDAR

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

HCS for HBs 754, 29,  
300 & 505 (Bentley)  
(In Budget Control)

HS for HCS for HB 824-  
Abel (Mathewson)  
(In Budget Control)

HS for HB 612-Ladd  
Baker, with SCS (Sims)  
(In Budget Control)

HS for HB 736-Liese,  
with SCS (Yeckel)  
(In Budget Control)

HCS for HJR 7, with  
SCS (Staples)  
(In Budget Control)

HS for HB 555-Foley,  
with SCS (Scott)  
(In Budget Control)

HS for HB 349-Hosmer,  
with SCS (Sims)  
(In Budget Control)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS  
SBs 67 & 40-Gross, with SCS

SB 68-Gross and House  
SB 99-Sims, with SCS

SB 114-Loudon, with SCS,  
SS for SCS & SA 1  
(pending)

SB 184-Johnson, et al,  
with SS#2 (pending)

SB 222-Caskey, with SA 3  
& SSA 1 for SA 3  
(pending)

SBs 238 & 250-Staples, et  
al, with SCS (pending)

SB 239-Stoll, with SCS &  
SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with  
SCS (pending)

SB 331-DePasco, et al,  
with SCS & SS for SCS  
(pending)

SB 373-Gibbons and Yeckel,  
with SCS

SBs 391 & 395-Rohrbach,  
with SCS & SS for SCS  
(pending)

SB 438-Bentley and Stoll,  
with SS, SS for SS &  
SA 1 (pending)

SB 445-Singleton, with  
SCS & SS for SCS  
(pending)

SB 454-Kinder, with SCS  
SB 455-Kinder, et al,  
with SCS

SBs 459, 305, 396 & 450-  
Westfall, with SCS &  
SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al, with SCS

SB 535-Rohrbach, with SCS,  
SS for SCS & point of  
order (pending)

SB 546-Kenney, et al, with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel

## HOUSE BILLS ON THIRD READING

|   |   |
|---|---|
| HCS for HB 50, with SCS<br>(Stoll)  | HCS for HB 581, with SCS<br>(Klindt)  |
| HB 70-Koller, with SCA 1<br>(Staples)   | SCS for HB 662-Green (73)<br>and St. Onge (Foster)<br>(In Budget Control)   |
| HB 133-Gambaro, with SCS<br>(Yeckel)  | HB 678-Seigfreid, with<br>SCS (pending) (Mathewson)   |
| HB 185-Legan, et al, with<br>SCS (Gross)  | HS for HCS for HB 762-<br>Barry, with SCS, SS for<br>SCS, SA 8 & SSA 1 for<br>SA 8 (pending)                      |
| HS for HCS for HBs 237,<br>270, 403 & 442-Smith,<br>with SCA 1 (Yeckel)                           | (Sims and Stoll)  |
| HB 249-Treadway, with SCS<br>(Kinder)   | HCS for HB 780, with SCS<br>(Kenney)  |
| HB 285-Riback Wilson, et al,<br>with SS, SS for SS, SA 8<br>& point of order (pending)<br>(Jacob) | HS for HCS for HBs 835,<br>90, 707, 373, 641, 510,<br>516 & 572-Britt, with<br>SCS (Caskey)                       |
| HS for HCS for HB 327-<br>Rizzo, with SCS (Quick)   | HS for HB 882-Crump, with<br>SCS (Singleton)  |
| HS for HCS for HBs 328 &<br>88-Harlan, with SCS (Sims)  | HS for HCS for HBs 924,<br>714, 685, 756, 734 &<br>518-Wiggins, with SCS<br>& SS for SCS (pending)<br>(Mathewson) |
| HB 385-Franklin, with SCS,<br>SS for SCS & SA 8<br>(pending) (Foster)                             | HB 949-Barry, with SCS,<br>SS#2 for SCS, SA 1 &<br>point of order (pending)<br>(Sims)                             |
| HB 436-Merideth, et al (Childers)   | HB 954-Hosmer (Westfall)  |
| HB 444-Kreider, et al,<br>with SCA 1 (Wiggins)  | HJR 5-Barry, et al, with SS,<br>SA 1 & point of order<br>(pending) (Yeckel)                                       |
| HS for HCS for HB 488-<br>Koller, with SCS (Childers)   |   |
| HB 501-Bowman, et al,<br>with SCS (Steelman)  |   |
| HB 544-Holand and<br>Treadway, with SA 1<br>(pending) (Bentley)                                   |   |

## 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

Unofficial

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al  
(Stoll)

Journal

SENATE BILLS WITH HOUSE AMENDMENTS

SB 288-Klarich, with HS  
for HCS, as amended  
SB 307-Jacob, with HCS  
SB 365-Steelman, with HS  
for HCS, as amended

SCS for SB 617-Steelman,  
with HS for HCS, as  
amended

Copy

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 48-Sims,  
with HS for HCS, as amended  
SB 72-Loudon, with HS for  
HCS, as amended  
SCS for SB 151-Childers,  
with HCS  
(Senate adopted CCR#2  
and passed CCS#2)

SS for SB 193-Rohrbach,  
with HCS, as amended  
(Senate adopted CCR  
and passed bill)  
SCS for SB 236-Sims, with  
HS for HCS, as amended  
SCS for SB 266-Bland, et al,  
with HS for HCS, as amended



SB 274-Caskey, with HCS  
(Senate adopted CCR  
and passed CCS)  
SB 304-Klarich, with HCS  
SB 319-Carter, with HCS,  
as amended  
(Senate adopted CCR  
and passed CCS)  
SS for SCS for SB 369-  
Steelman, with HS for  
HCS, as amended  
SCS for SB 393-Sims, with  
HS, as amended  
SB 460-Klarich, with HS  
for HCS, as amended  
SB 610-Westfall, with HCS  
HCS for HBs 205, 323 &  
549, with SCS (Childers)

HCS for HB 241, with SCS,  
as amended (Caskey)  
HCS for HBs 302 & 38,  
with SCS, as amended  
(Westfall)  
HS for HB 421-Hoppe, with  
SS for SCS, as amended  
(Kinder)  
(House adopted CCR  
and passed CCS)  
HB 453-Ransdall, et al,  
with SS for SCS, as  
amended (Steelman)  
HB 621-Gratz and Vogel,  
with SCA 1 & SA 1  
(Rohrbach)

Requests to Recede or Grant Conference

SS for SB 244-Staples,  
with HCS, as amended  
(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  
SCR 34-Sims, with SCA 1

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,  
with HCS  
(Senate requests House  
recede or grant conference)

✓