

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY—MONDAY, APRIL 15, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Draw nigh to God, and he will draw nigh to you.” (James 4:8)

Gracious God, we come before You in prayer for the days ahead will be filled with tension and we are in need of Your presence in our lives. As we seek to draw closer to You bless us with being closer to us and involved in the decisions we must make. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 11, 2002, was read and approved.

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

Present—Senators

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

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

Absent with leave—Senators

Kenney	Klarich	Schneider—3
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The Lieutenant Governor was present.

Senator Yeckel requested unanimous consent of the Senate for the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections to meet while the Senate is in session, which request was granted.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1474, regarding the Fiftieth Wedding Anniversary of Dr. and Mrs. Victor D. Gragg, which was adopted.

Senator Yeckel offered Senate Resolution No. 1475, regarding Alexis Edmond, Olivette, which was adopted.

On behalf of Senator Kenney, Senator Sims offered Senate Resolution No. 1476, regarding Donna M. Jenkins, Blue Springs, which was adopted.

On behalf of Senator Schneider, Senator Sims offered Senate Resolution No. 1477, regarding the Fortieth Anniversary of St. Angela Merici Parish, Florissant, which was adopted.

Senator Westfall offered Senate Resolution No. 1478, regarding Paulena Midles, which was adopted.

Senator Russell offered Senate Resolution No. 1479, regarding Rae Lynne Swopes, Mountain Grove, which was adopted.

Senator Dougherty offered Senate Resolution No. 1480, regarding the Alvin J. Siteman Cancer Center at Barnes-Jewish Hospital, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 1481, regarding Red X Motors, Cameron, which was adopted.

Senators Gross and House offered Senate Resolution No. 1482, regarding Joseph J. "Joey" Phipps, O'Fallon, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE CONCURRENT RESOLUTION NO. 64

WHEREAS, recognizing that visual development from birth through school age has sensitive and critical periods where abnormalities can lead to permanent impairments, especially in the development of binocular vision, an important part of human vision; and

WHEREAS, realizing that conditions such as strabismus (ocular misalignment) including esotropia (crossed eyes) and exotropia (outward turned eyes) occur in up to 6.7% of children prior to entering elementary school and anisometropia (significant difference in refractive prescription between the eyes) has a 1% or higher prevalence and clinically significant hyperopia (farsightedness) a prevalence of 3-6%; and

WHEREAS, The Journal of the American Public Health Association reported that 25% of Missouri's K-6 children have some kind of vision deficiency; and

WHEREAS, noting that the majority of eye and vision conditions prior to entering elementary school are not obvious on gross examination and go undetected; and

WHEREAS, noting that decreased binocular vision and depth perception can lead to problems in gross motor and fine motor

development, and that uncorrected hyperopia is associated with deficits in visual perceptual skills, reading readiness, intelligence quotient, and reading achievement; and

WHEREAS, realizing that early comprehensive childhood eye care is a neglected area, that less than half of pediatricians perform even limited vision screenings, and pediatric screening, when performed, is usually limited to a light reflex test which will not detect most strabismus, hyperopia or anisometropia; and

WHEREAS, recognizing that professional organizations agree that screening under age 3 is not successful but there is ample evidence that amblyopic conditions should be detected and treated as early as possible;

NOW, THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby impel school districts to implement:

(1) The institution of a comprehensive vision screening to be performed on kindergarten age children. Such screenings should be done through the use of photorefractive technology developed by the National Aeronautics and Space Administration, and should screen for myopia, hyperopia, oblique astigmatisms, anisometropia, constant strabismus, ocular media opacities, other visible eye abnormalities, and defects that can lead to amblyopia.

(2) With the completion of such screening all children and schools would receive information detailing their screening results. Children with possible problems indicated will be directed to seek the services of an eye care professional to address their problem through a full eye examination.

(3) This screening system will begin with a pilot program for the 2002 school year. This program will be implemented in designated school districts as funding permits.

(4) This pilot program will be funded through monies deposited in the "Blindness, Education Screening & Treatment Fund".

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 2120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1955**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1659**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1537**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1814**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1814, Page 4, Section 455.504, Line 25, by inserting immediately after said line the following:

“488.610. Notwithstanding any other law to the contrary, **no victim of the crime of domestic assault, as defined in sections 565.072 to 565.074, no victim of the crime of stalking, as defined in section 565.225, and** no victim, as defined in section 595.010, RSMo, shall be required to pay the costs associated with the filing

of criminal charges against the offender, or the costs associated with the **filing**, issuance, **registration** or service of a warrant, protection order, **petition for protection order** or witness subpoena [associated with a domestic violence offense].”; and

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1715**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1768**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1768, Page 1, Section 511.360, Line 8, by inserting after the word “rendered” the following: “**or revived**”.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1151**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1078**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1580**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1811**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1839**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1846**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local

Government and Economic Development, to which was referred **HB 1849**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1861**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1982**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2002**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2018**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2039**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2064**, begs leave to report that it has considered the same and recommends that the

bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 2130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 2047**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 2022**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1973**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1515**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the

Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1406**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1964**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 2009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1838**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1085**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1812**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1781**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1783**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Sims submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1636**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1840**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1032**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1313**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1937**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1937, Page 1, Section 324.147, Line 8, by striking the word "unless" and inserting in lieu thereof the word "if"; and further amend line 9, by striking the word "has".

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs

and Elections, to which was referred **HB 1776**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2117**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1086**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1519**, begs leave to report that it has considered the same

and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1375**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1668**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1822**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1492**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial

and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Sims submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 2080**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1674**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1890**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agri-

culture, Conservation, Parks and Tourism, to which was referred **HB 1837**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1518**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1701**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the

Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1473**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 958** and **SB 657**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Kenney	Klarich	Schneider—3
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Senator Kinder moved that **SCS** for **SBs 958** and **657**, as amended, be adopted, which motion

prevailed.

On motion of Senator Kinder, **SCS** for **SBs 958** and **657**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 984** and **SB 985**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

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

SS for **SCS** for **SBs 984** and **985** was again taken up.

At the request of Senator Steelman, **SS** for **SCS** for **SBs 984** and **985** was withdrawn.

Senator Steelman offered **SS No. 2** for **SCS** for **SBs 984** and **985**, entitled:

**SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 984 and 985**

An Act to repeal sections 640.100, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, relating to the department of natural resources, and to enact in lieu thereof ten new sections relating to the same subject.

Senator Steelman moved that **SS No. 2** for **SCS** for **SBs 984** and **985** be adopted.

Senator Bentley assumed the Chair.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 1, Section A, Line 5, by inserting after all of said line the following:

“250.140. **1.** Sewerage services or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and the city, town

or village or sewer district rendering such services shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

2. Any notice of delinquency regarding services provided shall be sent to both the occupant and owner of the premises receiving such service, if such owner has provided the entity rendering such service with the owner's rental property addresses.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 and 985, Page 30, Section 644.052, Line 18, by inserting after all of said line the following:

“644.076. 1. It is unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the commission. In the event the commission or the director determines that any provision of sections 644.006 to 644.141 or standard, rules, limitations or regulations promulgated pursuant thereto, or permits issued by, or any final abatement order, other order, or determination made by the commission or the director, or any filing requirement pursuant to sections 644.006 to 644.141 or any other provision which this state is required to enforce pursuant to any federal water pollution control act, is being, was, or is in imminent danger of being violated, the commission or director may cause to have instituted a civil action in any court of competent jurisdiction for the injunctive relief to prevent any such violation or further violation or for the

assessment of a penalty not to exceed ten thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. A civil monetary penalty pursuant to this section shall not be assessed for a violation where an administrative penalty was assessed pursuant to section 644.079. The commission or the director may request either the attorney general or a prosecuting attorney to bring any action authorized in this section in the name of the people of the state of Missouri. Suit may be brought in any county where the defendant's principal place of business is located or where the water contaminant or point source is located or was located at the time the violation occurred. Any offer of settlement to resolve a civil penalty pursuant to this section shall be in writing, shall state that an action for imposition of a civil penalty may be initiated by the attorney general or a prosecuting attorney representing the department pursuant to this section, and shall identify any dollar amount as an offer of settlement which shall be negotiated in good faith through conference, conciliation and persuasion. **Any penalty assessed to a political subdivision pursuant to this section shall not exceed the actual cost of remediating the violation.**

2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to sections 644.006 to 644.141 or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to sections 644.006 to 644.141 shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

3. Any person who willfully or negligently commits any violation set forth pursuant to subsection 1 of this section shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation, or by

imprisonment for not more than one year, or both. Second and successive convictions for violation of the same provision of this section by any person shall be punished by a fine of not more than fifty thousand dollars per day of violation, or by imprisonment for not more than two years, or both.

4. The liabilities which shall be imposed pursuant to any provision of sections 644.006 to 644.141 upon persons violating the provisions of sections 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted pursuant thereto shall not be imposed due to any violation caused by an act of God, war, strike, riot, or other catastrophe.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman moved that **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, was declared perfected and ordered printed.

Senator Sims moved that **SB 923**, **SB 828**, **SB 876**, **SB 694** and **SB 736**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 923**, **828**, **876**, **694** and **736**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 923, 828, 876, 694 and 736

An Act to repeal sections 210.906, 211.183 and 630.605, RSMo, and to enact in lieu thereof four new sections relating to foster care, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SBs 923**, **828**, **876**, **694** and **736** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 923**, **828**, **876**, **694** and **736**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 923, 828, 876, 694 & 736

An Act to repeal sections 210.145, 210.906, 211.031, 211.181, 211.183, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141 and 452.402, RSMo, and to enact in lieu thereof sixteen new sections relating to children and families, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **SBs 923**, **828**, **876**, **694** and **736** be adopted.

Senator Steelman assumed the Chair.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7, by inserting immediately after 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 and Lakes Area 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;
- (10) The Pettis County child assessment center; [and]
- (11) The southeast Missouri child assessment center; **and**
- (12) The Camden County child assessment center, provided the other approved assessment centers included in this section submit to the department of social services a modified funding formula for all approved child assessment centers, which would require no additional state funding.”; and**

Further amend the title and enacting clause accordingly.

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

Senator House offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7, by inserting immediately after said line the following:

“193.125. 1. For each adoption decreed by a

court of competent jurisdiction in this state, the court shall require the preparation of a certificate of decree of adoption on a form as prescribed and furnished by the state registrar. The certificate of decree of adoption shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted, and shall provide information necessary to establish a new certificate of birth of the person adopted and shall identify the court and county of the adoption and be certified by the clerk of the court. The state registrar shall file the original certificate of birth with the certificate of decree of adoption and such file may be opened by the state registrar only upon receipt of a certified copy of an order as decreed by the court of adoption **or pursuant to subsection 2 of this section.**

2. Upon receipt of a written application to the state registrar, and unless a written prohibition exists against the release of records, any adopted person fifty years of age or older born in the state of Missouri shall be issued a certified copy of his or her unaltered, original and unamended certificate of birth in the custody of the state registrar, with procedures, filing fees and waiting periods identical to those imposed upon nonadopted citizens of the state of Missouri. If the state registrar has no records on the adopted person, the state registrar shall certify such information to the requesting person within thirty days. Within sixty days following a written request of the adopted person accompanied by a copy of the certification from the state registrar, any circuit court in possession of such records shall provide copies of the records to the adopted person. Nothing in this subsection shall be construed as violating the provisions of section 453.121, RSMo.

[2.] **3.** Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the petitioner's attorney. The social welfare agency or any person having knowledge of the facts shall supply the court with

such additional information as may be necessary to complete the report. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.

[3.] 4. Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.

[4.] 5. Not later than the fifteenth day of each calendar month or more frequently as directed by the state registrar the clerk of the court shall forward to the state registrar reports of decrees of adoption, annulment of adoption and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the state registrar shall require.

[5.] 6. When the state registrar shall receive a report of adoption, annulment of adoption, or amendment of a decree of adoption for a person born outside this state, he or she shall forward such report to the state registrar in the state of birth.

[6.] 7. In a case of adoption in this state of a person not born in any state, territory or possession of the United States or country not covered by interchange agreements, the state registrar shall upon receipt of the certificate of decree of adoption prepare a birth certificate in the name of the adopted person, as decreed by the court **or written application to the state registrar by adoptees fifty years of age or older as provided in subsection 2 of this section.** The state registrar shall file the certificate of the decree of adoption, and such documents may be opened by the state registrar only by an order of court. The birth certificate prepared [under] **pursuant to** this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in section 193.235.

[7.] 8. The department, upon receipt of proof

that a person has been adopted by a Missouri resident pursuant to laws of countries other than the United States, shall prepare a birth certificate in the name of the adopted person as decreed by the court of such country. If such proof contains the surname of either adoptive parent, the department of health and senior services shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of the name of the adopted person shall be made by a court of competent jurisdiction. The proof of adoption required by the department shall include a copy of the original birth certificate and adoption decree, an English translation of such birth certificate and adoption decree, and a copy of the approval of the immigration of the adopted person by the Immigration and Naturalization Service of the United States government which shows the child lawfully entered the United States. The authenticity of the translation of the birth certificate and adoption decree required by this subsection shall be sworn to by the translator in a notarized document. The state registrar shall file such documents received by the department relating to such adoption and such documents may be opened by the state registrar only by an order of a court **or written application to the state registrar by adoptees fifty years of age or older as provided in subsection 2 of this section.** A birth certificate pursuant to this subsection shall be issued upon request of one of the adoptive parents of such adopted person or upon request of the adopted person if of legal age. The birth certificate prepared pursuant to the provisions of this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate as provided in sections 193.005 to 193.325.

[8.] 9. If no certificate of birth is on file for the person under twelve years of age who has been adopted, a belated certificate of birth shall be filed with the state registrar as provided in sections 193.005 to 193.325 before a new birth record is to be established as result of adoption. A new certificate is to be established on the basis of the

adoption [under] **pursuant to** this section and shall be prepared on a standard certificate of live birth form.

[9.] **10.** If no certificate of birth has been filed for a person twelve years of age or older who has been adopted, a new birth certificate is to be established [under] **pursuant to** this section upon receipt of proof of adoption as required by the department. A new certificate shall be prepared in the name of the adopted person as decreed by the court, registering adopted parents' names. The new certificate shall be prepared on a delayed birth certificate form. The adoption decree is placed in a sealed file and shall not be subject to inspection except upon an order of the court.

193.255. 1. The state registrar and other custodians of vital records authorized by the state registrar to issue certified copies of vital records upon receipt of application shall issue a certified copy of any vital record in [his] **the registrar's** custody or a part thereof to any applicant having a direct and tangible interest in the vital record, **including an adopted person fifty years of age or older as provided for in section 193.125.** Each copy issued shall show the date of registration, and copies issued from records marked “Delayed” or “Amended” shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the state shall be provided or approved by the state registrar.

2. A certified copy of a vital record or any part thereof, issued in accordance with subsection 1 of this section, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

3. The federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital statistics as it may require for national statistics, provided such federal agency share in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

4. Federal, state, local and other public or private agencies may, upon request, be furnished copies or data of any other vital statistics not obtainable [under] **pursuant to** subsection 1 of this section for statistical or administrative purposes upon such terms or conditions as may be prescribed by regulation, provided that such copies or data shall not be used for purposes other than those for which they were requested unless so authorized by the state registrar.

5. The state registrar may, by agreement, transmit copies of records and other reports required by sections 193.005 to 193.325 to offices of vital statistics outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. This agreement shall require that the copies be used for statistical and administrative purposes only, and the agreement shall further provide for the retention and disposition of such copies. Copies received by the department from offices of vital statistics in other states shall be handled in the same manner as prescribed in this section.

6. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized herein or by regulations adopted hereunder.”; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Caskey 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 Senate Bills Nos. 923, 828, 876, 694 and 736, Page 2, Section 193.125, Line 10, by inserting after all of said line the following: **“An adoptive parent or biological parent may file a written prohibition against the release of records at any time.”**.

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

SA 2, as amended, was again taken up.

Senator House moved that the above amendment, as amended, be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 12, Section 210.906, Line 28 of said page, by inserting after all of said line the following:

“210.960. 1. There is hereby established within the department of public safety the “Office of Child Protection Information” which shall answer questions, assist with procedural issues, monitor personnel, and help solve the grievances of persons with children who have received or are receiving child protective services.

2. The office shall be administered by a state ombudsman.

3. The office shall establish and implement procedures for receiving, processing, responding to questions, assisting with procedural issues, monitoring personnel, and resolving complaints made by persons with children who have received or are receiving

child protective services relating to action, inaction, or decisions of social services agencies, juvenile officers, law enforcement, and the courts as deemed appropriate by the advisory commission established in section 210.963. Any investigation or complaint regarding personnel that is determined by the office to be substantiated shall be reported to the appropriate supervisors for such personnel.

4. The office shall establish and implement procedures for resolution of complaints.

5. The office shall acknowledge questions and complaints, report any findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The office shall analyze and monitor the development and implementation of federal, state, and local laws, rules, and policies with respect to child protective services in the state and shall recommend to the general assembly and department changes in such laws, rules, and policies deemed by the office to be appropriate.

7. The office shall develop and propose statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of ombudsman volunteers.

8. The office shall develop and propose programs for use, training, and coordination of volunteers and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings, and other programs for volunteers;

(3) Supply personnel, written materials, and such other reasonable assistance, including publicizing their activities, as may be deemed necessary; and

(4) Coordinate and cooperate with court appointed special advocates.

9. The office shall prepare a written notice setting forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint, and other pertinent information. At the time a child is taken into protective custody, such written notice shall be provided by a department employee, law enforcement, or juvenile officer to the person from whom custody of the child is being taken.

210.963. 1. The office of child protection information shall be advised by a “Child Protection Information Advisory Commission” which is hereby created and shall be comprised of eleven members. Two members shall be appointed by the director of the department of social services, one of whom shall be a frontline child protective services worker, and nine members shall be appointed by the director of the department of public safety, with three members appointed to represent the public, one member appointed to represent law enforcement, two members appointed to represent juvenile officers, two members appointed to represent parents with children who have received child protective services, and two members appointed to represent child care facilities. The director of the department of public safety shall appoint impartial members who will thoroughly and fairly review the actions of the state in the investigation of alleged child abuse and neglect cases and the provision of child protective services.

2. The term of office for members shall be four years; except that of those first appointed, three members shall be appointed to two-year terms, three members shall be appointed to three-year terms, and three members shall be appointed to four-year terms. Members appointed shall serve until their successors are duly appointed and qualified and vacancies

shall be filled by appointment for the remaining portion of the unexpired term created by the vacancy.

3. The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties while in attendance at committee meetings.

4. The commission shall:

(1) Assist the office of child protection information with policy issues and the development of an ombudsman program to ensure statewide consistency in addressing grievances of and the dissemination of information to persons with children who have received or are receiving child protective services;

(2) Evaluate the impact of the state laws related to child protective services and the rules promulgated thereunder on the children who have received or are receiving child protective services and their families;

(3) Review and assess the impact of enforcement policies on children who have received or are receiving child protective services and their families;

(4) Recommend to the departments, law enforcement, juvenile officers, the courts, and the general assembly, as appropriate, changes in procedure, rules, or law which would facilitate child protective services procedures including an expedited review of substantiated cases;

(5) Conduct hearings, determine facts, and make inquiries consistent with the purposes of this section; and

(6) Prepare an annual report for the general assembly detailing any relevant information, statistics, and recommendations, including but not limited to information on the number of children involved in actions by the office, the number of complaints received, average length of stay in foster care by county,

number of homes each child enters and any abuses by officials.

210.965. 1. Any files maintained by the office of child protection information and the ombudsman program shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files; except that the identity of any complainant or child shall not be disclosed by such ombudsman unless:

(1) Such complainant or the child's parent or legal guardian consents in writing to such disclosure;

(2) The immediate health, safety, or welfare of such child requires such disclosure; or

(3) Such disclosure is required by court order.

2. Any representative of the office conducting or participating in any examination of a question or complaint who shall knowingly and willfully disclose to any person other than the office, or those authorized by the office to receive such question or complaint, the name of any witness examined or any information obtained or given upon such examination, shall be guilty of a class A misdemeanor.

3. Any statement or communication made by the office relevant to a question or complaint received by, proceedings before or activities of the office, and any complaint or information made or provided in good faith by any person, shall be absolutely privileged and such person shall be immune from suit.

4. The office shall not be required to testify in any court with respect to matters held to be confidential in this section except as the court may deem necessary to enforce the provisions of sections 210.960 to 210.965, or where otherwise required by court order.”; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“135.327. 1. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Individuals and business entities may claim

a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

4. Notwithstanding any provision of law to the contrary, any individual or business entity may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed pursuant to this section [to a for-profit entity] shall be at a discount rate of seventy-five percent or greater of the amount sold.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

“28.160. 1. The state shall be entitled to fees for services to be rendered by the secretary of state as follows:

For issuing commission to notary public	\$15.00
For countersigning and sealing certificates of official character	10.00
For all other certificates	5.00
For copying archive and state library records, papers or documents, for each page 8 1/2 x 14	

inches and smaller, not more than	.10
For duplicating microfilm, for each roll	15.00
For copying all other records, papers or documents, for each page 8 1/2 x 14 inches and smaller, not more than[.]	.10
For certifying copies of records and papers or documents	5.00
For causing service of process to be made	10.00
For electronic telephone transmittal, per page	2.00

2. There is hereby established the “Secretary of State’s Technology Trust Fund Account” which shall be administered by the state treasurer. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the credit of the secretary of state’s technology trust fund account shall be credited by the state treasurer to the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of a biennium exceeds five million dollars. In any such biennium the amount in the fund in excess of five million dollars shall be transferred to general revenue.

3. The secretary of state may collect an additional fee of ten dollars for the issuance of new and renewal notary commissions which shall be deposited in the state treasury and credited to the secretary of state’s technology trust fund account.

4. The secretary of state may ask the general assembly to appropriate funds from the technology trust fund for the purposes of establishing, procuring, developing, modernizing and maintaining:

(1) An electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state;

(2) Library services offered to the citizens of this state;

(3) Administrative rules services, equipment and functions;

(4) Services, equipment and functions relating to securities;

(5) Services, equipment and functions relating to corporations and business organizations;

(6) Services, equipment and functions relating to the Uniform Commercial Code;

(7) Services, equipment and functions relating to archives; and

(8) Services, equipment and functions relating to record services.

5. Notwithstanding any provision of this section to the contrary, the secretary of state shall not collect fees, for processing apostilles, certifications and authentications prior to the placement of a child for adoption, in excess of one hundred dollars per child per adoption, or per multiple children to be adopted at the same time.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bentley offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 8, Section 210.145, Line 8, by inserting after all of said line the following:

“210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

(4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health under sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;

(5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization, **provided that all such facilities, homes, or agencies are accredited by a nationally recognized organization or accredited by an organization incorporated in Missouri that has adopted bylaws and rules which are adhered to by such facilities, homes or agencies, and are registered with the department of health and senior services and can show proof of compliance with all department of health and senior services sanitation standards and compliance with fire code standards recognized by the division of fire safety; or**

(6) Any institution or agency maintained or operated by the state, city or county.

2. The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however said foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 35, Section 294.121, Line 19 of said page, by inserting immediately after said line the following:

“8. Notwithstanding any provision of law to the contrary, all penalties, forfeitures and fines, whether administrative or civil, collected by the state of Missouri, or any official, department, division or agency of the state pursuant to chapter 294 shall be distributed to the county school funds as provided in article IX, section 7 of the constitution.”.

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

Senator Rohrbach offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 9, Section 210.566, Line 26 of said page, by deleting the words “,

values” on said line.

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

Senator Caskey offered SA 9, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 and 736, Page 37, Section 452.402, Line 17, by inserting after said line:

“Section 1. The changes in provisions of subdivision (5) of subsection 1 of section 210.516 shall not go into effect until January 1, 2005.”.

Senator Caskey moved that the above amendment be adopted.

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

Having voted on the prevailing side, Senator Gross moved that the vote by which SA 6 was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators			
Bland	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	House	Johnson	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Steelman
Stoll	Westfall	Yeckel—23	

NAYS—Senators			
Bentley	Dougherty	Jacob	Kennedy
Wiggins—5			

Absent—Senators		
DePasco	Singleton	Staples—3

Absent with leave—Senators		
Kenney	Klarich	Schneider—3

SA 6 was again taken up.

At the request of Senator Bentley, SA 6 was withdrawn.

Senator Sims moved that SS for SCS for SBs 923, 828, 876, 694 and 736, as amended, be

adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SBs 923, 828, 876, 694 and 736**, as amended, was declared perfected and ordered printed.

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
April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Gilbert G. Adkins, Jr., Democrat, 203 Bluebird Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 184.827.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Emmett W. Fairfax, 27248 Goodwill Chapel Road, Sedalia, Pettis County, Missouri 65301, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2005, and until his successor is duly appointed and qualified; vice, Joseph J. Frank, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

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

Erin S. Hampton, 6085 County Road 743, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Board for Occupational Therapy, for a term ending December 11, 2004, and until her successor is duly appointed and qualified; vice, Karen Hamlet, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Harvey A. Harris, 31 Westmoreland Place, St. Louis City, Missouri 63108, as a member of the Bi-State Development Agency, for a term ending November 10, 2006, 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
April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

John J. Kang, 290 Bellington Lane, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, Deborah Horton, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City, Missouri
 April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

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

Joyce M. Theard, Democrat, 14475 Avocado Lane, Florissant, St. Louis County, Missouri 63034, as a member of the State Milk Board, for a term ending September 28, 2005, and until her successor is duly appointed and qualified; vice, Barry Drucker, resigned.

Respectfully submitted,
 BOB HOLDEN
 Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City, Missouri
 April 12, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

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

Mary Wheeler-Jones, Democrat, 4115 Sacramento Avenue, St. Louis City, Missouri 63115, as a public member of the Missouri Board for Respiratory Care, for a term ending April 3, 2005, and until her 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
 April 15, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Tia Marie Straight for the Advisory Commission for Dental Hygienists, submitted to you on April 4, 2002. Line 1 should be amended to read:

Tia Marie Strait, 211 North Garrison, Carthage, Jasper County, Missouri 64836

Respectfully submitted,
 BOB HOLDEN
 Governor

President Pro Tem Kinder referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

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 adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1115** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1115**.

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1093**, **HB 1094**, **HB 1159**, **HB 1204**, **HB 1242**, **HB 1272**, **HB 1391**, **HB 1397**, **HB 1411**, **HB 1624**, **HB 1632**, **HB 1714**, **HB 1755**, **HB 1778**, **HB 1779**, **HB 1852**, **HB 1862**, **HB 2025** and **HB 2123**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1141**, **HB 1400**, **HB 1645**, **HB 1745** and **HB 2026**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1205**, **HB 1214**, **HB 1314**, **HB 1320**, **HB 1504**, **HB 1788**, **HB 1867** and **HB 1969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1075**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 2032**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 2062**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1789**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1643**, begs leave to report that it has considered the same and recommends that the bill

do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 2087**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1191**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON SECOND READING

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

HCS for HB 1898—Ways and Means.

HS for HCS for HB 1392—Ways and Means.

HS for HB 1455—Pensions and General Laws.

HB 1773—Local Government and Economic Development.

HB 1489—Judiciary.

HCS for HB 1443—Aging, Families and Mental Health.

HCS for HB 1692—Local Government and Economic Development.

HB 1488—Transportation.

HB 1850—Civil and Criminal Jurisprudence.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

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

SCR 61—Rules, Joint Rules, Resolutions and Ethics.

SCR 62—Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Steelman offered Senate Resolution

No. 1483, regarding Danielle Reese, Cabool, which was adopted.

Senator Steelman offered Senate Resolution No. 1484, regarding Josh Holloway, Rolla, which was adopted.

Senator Caskey offered Senate Resolution No. 1485, regarding Jan C. Barrett, Houston, Texas, which was adopted.

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

SENATE CALENDAR

FIFTY-FOURTH DAY—TUESDAY, APRIL 16, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1425

HS for HCS for HB 1877-Foley

HCS for HBs 1344 & 1944

HS for HCS for HB 1440-Riback Wilson

HS for HB 1496-Green (73)

HCS for HB 1689

HB 1926-Fraser, et al

HB 1679-Crump

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,
866, 972 & 990-Cauthorn
(In Budget Control)

SCS for SBs 894, 975 & 927-Kinder
(In Budget Control)

SS for SCS for SBs 670 &
684-Sims
(In Budget Control)

SS for SCS for SB 884-
DePasco

SS for SCS for SB 1059-Bentley
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 676-Yeckel, et al,
with SCS
2. SB 900-Goode, et al,
with SCS
3. SB 1107-Childers, with SCS
4. SB 912-Mathewson,
with SCS
5. SB 892-Kenney, with SCS
6. SB 910-Gibbons
7. SB 1104-Mathewson
8. SB 954-Loudon, with SCS
9. SB 1014-Klindt and Kinder
10. SB 1152-Klarich, with SCS
11. SBs 766, 1120 & 1121-Steelman,
with SCS
12. SB 926-Kenney, et al,
with SCS
13. SB 1140-Rohrbach
14. SBs 1112 & 854-Caskey
and Russell, with SCS
15. SB 1111-Quick, with SCS
16. SB 689-Gibbons, et al,
with SCS
17. SB 938-Cauthorn, et al
18. SB 1087-Gibbons,
et al, with SCS
19. SBs 1279, 1162 & 1164-
Kinder and Wiggins, with SCS
20. SB 1248-Mathewson and
Kenney, with SCAs 1 & 2
21. SB 971-Klindt, et al,
with SCS
22. SBs 1063 & 827-Rohrbach
and Kenney, with SCS
23. SB 1010-Sims
24. SRB 1236-Rohrbach
25. SB 1026-Kenney, et al,
with SCS
26. SB 1157-Klindt, with SCS
27. SBs 1095 & 1195-
Cauthorn, with SCS
28. SB 1232-Singleton
29. SB 1206-Bentley and Stoll
30. SB 878-Sims, with SCS
31. SB 1060-Westfall,
with SCS
32. SB 1205-Yeckel
33. SB 1040-Gibbons, et al,
with SCS
34. SB 1133-Gross, with
SCS
35. SB 1099-Childers,
with SCS
36. SB 739-Wiggins, with
SCS
37. SB 1105-Loudon
38. SB 735-Steelman and
Kinder, with SCS
39. SB 713-Singleton
40. SB 1191-Jacob

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 641 & 705-Russell, et al,
with SCS (pending)
- SB 647-Goode, with SCS (pending)
- SB 651-Singleton and
Russell, with SCS (pending)

SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending)

SB 660-Westfall, et al,
with SCS (pending)

SB 668-Bentley, with SS &
SA 1 (pending)

SBs 688, 663, 691, 716,
759, 824 & 955-Gibbons,
et al, with SCS, SS
for SCS & SA 1 (pending)

SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SBs 915, 710 & 907-
Westfall, et al, with
SCS & SA 2 (pending)

SB 1046-Gross and House,
with SCS (pending)

SB 1052-Sims, with SCS,
SS for SCS, SA 1 &
SA 1 to SA 1 (pending)

SB 1103-Westfall, et al,
with SA 2 (pending)

SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

Unofficial

CONSENT CALENDAR

Senate Bills

Reported 2/5

Journal

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and
Hosmer, with SCS

HB 1955-Hilgemann, et al,
with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS
(Klarich)

HB 1814-Monaco, et al,
with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,
with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,
with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS
(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and
Overschmidt, with SCS

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HB 1861-Burcham
 HB 1982-Richardson (Foster)
 HB 2002-Farnen and Naeger
 HB 2018-Bartle, et al
 HB 2039-Kreider
 HB 2064-Walton, et al
 HB 2130-Boykins, et al
 HB 2047-Ransdall, et al, with SCS
 HB 2022-Richardson, with
 SCS (Stoll)
 HB 1973-Bowman
 HB 1515-Burton
 HB 1477-Farnen, with SCS
 HB 1406-Barnett, with SCS
 (Klindt)
 HB 1964-Gambaro, with SCS
 (Yeckel)
 HB 1635-Hoppe, with SCS
 HB 2009-O'Connor, with SCS
 HB 1838-Hosmer
 HB 1085-Mays (50)
 HB 1548-Barry, with SCS
 HB 1812-Riback Wilson
 (Sims)
 HB 1781-Green (73) and Ladd Baker
 HB 1783-Lowe, et al, with SCS
 HB 1636-Hoppe, with SCS
 HB 1840-Seigfreid
 HB 1032-Portwood
 HB 1313-Burton, with SCS
 HB 1937-Barry, with SCA 1
 HB 1776-Harlan, with SCS
 HB 2001-Hegeman, et al
 HB 1921-Green (73), with SCS
 HB 2117-Boucher (Caskey)
 HB 1086-Harlan, with SCS
 (House)
 HB 1519-Boucher (Yeckel)
 HB 1375-Luetkenhaus
 (Yeckel)
 HB 1342-Farnen

HB 1668-Holt, et al
 HB 1822-Walton
 HB 1492-Seigfreid, with SCS
 HB 1495-Seigfreid, with SCS
 HB 1265-Gratz and Vogel,
 with SCS (Childers)
 HB 2080-Britt, et al, with SCS
 HB 1674-O'Toole and
 Dempsey
 HB 1890-Hilgemann, et al,
 with SCS
 HB 1837-Berkowitz, et al,
 with SCS
 HB 1518-Luetkenhaus
 HB 1568-Luetkenhaus, with SCS
 HB 1446-Luetkenhaus, with
 SCS (Kenney)
 HB 1381-Luetkenhaus, with
 SCS (Rohrbach)
 HB 1701-Luetkenhaus and
 Ward, with SCS
 HB 1468-Ward, with SCS
 (Loudon)
 HB 1473-Green (15), et al,
 with SCS
 HB 1918-Koller, with SCS
 HBs 1093, 1094, 1159, 1204,
 1242, 1272, 1391, 1397,
 1411, 1624, 1632, 1714,
 1755, 1778, 1779, 1852,
 1862, 2025 & 2123-Relford,
 with SCS
 HBs 1141, 1400, 1645, 1745
 & 2026-Naeger, with SCS
 HBs 1205, 1214, 1314, 1320,
 1504, 1788, 1867 &
 1969-Seigfreid and
 Relford, with SCS
 HB 1075-Nordwald
 HB 2032-Hosmer, with SCS
 HB 2062-Hosmer, et al

HB 1789-Ross, et al, with SCS

HB 1643-Holand and Barry
HB 2087-Whorton, et al,
with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS
(Russell)
(House adopted CCR
and passed CCS)

Unofficial

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

Journal
Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1
HCR 5-Reynolds
(Schneider)

SCR 43-Loudon, with SCS
HCS for HCR 11

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MISCELLANEOUS

REMONSTRANCE 1-Caskey