Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY—THURSDAY, MAY 9, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"But Jacob said, 'I will not let you go, unless you bless me.'" (Genesis 32:26b)

Lord, You have promised that You would always be with us and bless us and in what already seems such a long week we need Your blessings even more. Help us be confident that You are moving on our behalf so we might be settled and assured we do what is right. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthron offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1711

WHEREAS, the members of the Missouri Senate proudly pause to recognize those special young people who have exemplified the finest qualities of citizenship and leadership by taking an active part in state government; and

WHEREAS, Emily Evers, a student at the University of Missouri-Columbia, has distinguished herself as an Intern for the Honorable John Cauthorn, State Senator from District No. 18; and

WHEREAS, Emily joined the staff of Senator Cauthorn for the Second Regular Session of the Ninety-first General Assembly as part of the Missouri State Intern Program at the state capitol in Jefferson City, a program designed to involve college students in the legislative process through active participation; and

WHEREAS, through the Internship Program, Emily has experienced the opportunity to observe firsthand the inner workings of state government and has gained valuable insight into the process by which laws are made; and

WHEREAS, during her tenure at the capitol, Emily assisted with legislative research, filled the COS's rolling filing cabinet with tons of paper pretending to be legislation, coordinated resolutions and various types of correspondence, followed legislation, attended hearings, and provided entertainment for the staff during the sessions down time; and

WHEREAS, perhaps one of the most appreciated services during the hectic times of the legislative session was Emily's smiling face which brightened up the office and underscored the recognition she earned as a valuable asset to Senator Cauthorn and the entire Missouri Legislature through the application of knowledge and skills acquired prior to her tenure as an Intern and for the variety of newly-gained skills which will be of tremendous value in the job market:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join with Senator Cauthorn in commending Emily Evers for her many important contributions to our State Legislature during the 2002 session, and further extend to her our very best wishes for continued success and happiness in all future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Legislative Intern Emily Evers, as a measure of our esteem for her.

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

SENATE RESOLUTION NO. 1712

WHEREAS, the world's most famous name in fast food is McDonald's, a business which was started in 1954 by Ray Kroc in San Bernardino, California; and

WHEREAS, Ray Kroc, the original founder of McDonald's, believed that only the best quality of products should be used in his restaurants; and

WHEREAS, while McDonald's uses only 100% pure beef in its hamburgers, not all of the beef in McDonald's hamburgers is 100% American beef; and

WHEREAS, as the nation's largest buyer of beef and with more than 28,000 restaurants worldwide, the McDonald's Corporation should return to Ray Kroc's philosophy by exclusively utilizing the United States beef industry and using only 100% American beef in all its restaurants; and

WHEREAS, the Agricultural Marketing Act of 1946 provided the United States Department of Agriculture the authority to establish standards for the grading and classification of United States agricultural products; and

WHEREAS, these standards have become recognized around the world as the mark of United States excellence and quality, making the quality of beef produced in the United States second to none; and

WHEREAS, the United States consumers and beef producers "need a break today" and expect McDonald's, the most popular fast food chain in the nation, to utilize the best quality of beef available on the market in its hamburgers; and

WHEREAS, since the "Golden Arches" of McDonald's have become as American as apple pie and baseball, consumers deserve nothing less than 100% American beef in their McDonald's hamburgers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, urge the McDonald's Corporation to exclusively utilize the United States beef industry and use only 100% American beef in all its 28,000 restaurants around the world; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jack M. Greenberg, Chairman and Chief Executive Officer of the McDonald's Corporation.

CONCURRENT RESOLUTIONS

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

SENATE CONCURRENT RESOLUTION NO. 76

WHEREAS, the State of Missouri has been subjected to extreme economic hardship as a result of a contracting national economy and terrorist attacks on New York and Washington; and

WHEREAS, this economic hardship has been exacerbated by the loss of jobs in the conversion of industry from manufacturing to technology bases; and

WHEREAS, key military contracts on which many jobs and huge businesses in this state have gone to states with more electoral votes; and

WHEREAS, this national economic contraction, loss of jobs and horrendous terrorist attacks have resulted in serious fiscal shortfalls for the State of Missouri; and

WHEREAS, these serious fiscal shortfalls have resulted in a financial situation declared by the Governor of the State of Missouri to be an actual emergency; and

WHEREAS, the fiscal emergency declared by the Governor of Missouri has reached a level where the state cannot pay its bills during the remaining months of Fiscal Year 2002; and

WHEREAS, the inability of the State of Missouri to pay its bills places in jeopardy the good faith and credit of the state, as well as the bond rating and the self-respect of this state and its citizens; and

WHEREAS, the remedy of this actual emergency is vested in the duly elected General Assembly of the State of Missouri under the Constitution of the State of Missouri; and

WHEREAS, the Senate of the 91st General Assembly has acted prudently and responsibly to allow the use of this remedy by the Governor of the State of Missouri by securing the two-thirds majority required by the Constitution, Art. IV, Sec. 27 (a) pertaining to the Budget Reserve Fund; and

WHEREAS, the House of Representatives has yet to act to spare our state and our citizens unnecessary financial chaos and humiliation,

NOW THEREFORE BE IT RESOLVED: that we, the members of the 91st General Assembly of the State of Missouri do resolve to forego our monthly salaries, per diems, office allowances and appurtenances thereto for the last two months of Fiscal Year 2002 or until such time as legislation authorizing the use of the Budget Reserve Fund is Truly Agreed To, Finally Passed and delivered to the Governor, and

BE IT FURTHER RESOLVED: that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution so that its intention and direction be expedited forthwith.

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 **SS** for **SS** for **SCS** for **SBs 970**, **968**, **921**, **867**, **868** and **738**, entitled:

An Act to repeal sections 136.055, 142.803, 144.020, 144.021, 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 226.670, 227.040, 227.050, 227.060, 227.100, 301.129, 302.720, 304.001, and 305.230, RSMo, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

With House Amendments Nos. 1, 2, 3, 5, 7, 8, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, House Amendments Nos. 12, 13, 15, 16, 17, 18, 19, House Substitute Amendment No. 1 for House Amendment No. 20, House Amendments Nos. 21, 22, 24, 25, 26, House Substitute Amendment No. 1 for House Amendment No. 27 and House Amendment No. 28.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 47, Section 227.100, Lines 5 to 10 of said page, by deleting all of said lines and inserting in lieu thereof the following: "construction of said project]."; and

Further amend said bill, Page 54, Section 227.040, by deleting all of said section; and

Further amend said bill, Pages 54-55, Section 227.050, by deleting all of said section; and

Further amend said bill, Page 55, Section 227.060, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 75, Section 307.205, Line 9, by deleting the word "regulate" and inserting in lieu thereof the following: "**impose additional regulations on**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting the following section in the appropriate location:

"302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he **or she** is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him **or her** for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town**,** or village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating** revenue from fines **and court costs** for traffic violations occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual **general operating** revenue of the city, town**,** or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.

2. If any city, town, or village fails to send such excess revenues to the director of the department of revenue in a timely fashion which shall be set forth by the director by rule, such city, town, or village shall submit to an annual audit by the state auditor pursuant to the authority of Article IV, Section 13 of the Missouri Constitution. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 65, Section 304.001, Lines 11 to 15, by deleting all of said lines and inserting in lieu thereof the following: "sections 304.155 and 304.157, whether or not operational**. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five working days of the accident, the agency requesting the tow shall be required to write an abandoned property report.**"; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 6, Section 142.803, Line 15 of said page, by inserting immediately after all of said line the following:

"**3. In addition to the tax levied and imposed pursuant to subdivision (1) of subsection 1 of this section, an additional tax of three cents per gallon is hereby levied and imposed on motor fuel used or consumed in this state. The revenue derived from the additional tax of three cents per gallon imposed pursuant to this subsection shall be distributed and used as provided in article IV, section 30(a) of the Missouri Constitution. The additional tax imposed pursuant to this subsection is imposed upon the ultimate consumer, but is to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax. The additional revenue derived from the tax imposed by this subsection shall not be part of the total state revenue within the meaning of article X, sections 17 and 18 of the Missouri Constitution. The expenditure of this revenue shall not be an expense of state government pursuant to article X, section 20 of the Missouri Constitution. The additional tax imposed by this section shall expire on December 31, 2022.**"; and

Further amend said bill, Page 9, Section 144.020, Line 21 of said page, by inserting immediately after the word "**tax**" the following: "**of three-fourths**"; and

Further amend said bill, Page 10, Section 144.020, Line 3 of said page, by inserting immediately after the words "**equivalent to**" the following: "**three-fourths of**"; and

Further amend said bill, Page 10, Section 144.020, Line 9 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of**"; and

Further amend said bill, Page 10, Section 144.020, Line 11 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of**"; and

Further amend said bill, Page 10, Section 144.020, Line 16 of said page, by inserting immediately after the word "**additional**" the following: "**three-fourths of**"; and

Further amend said bill, Page 11, Section 144.021, Line 24 of said page, by deleting the words "[four] **five**" and inserting in lieu thereof the following: "four **and three-fourths**"; and

Further amend said bill, Page 77, Section C, Line 18 of said page, by inserting immediately after the word "sections" the following: "**142.803,**"; and

Further amend said bill, Page 78, Section C, Line 2 of said page, by inserting immediately after the word "sections" the following: "**142.803,**"; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"**Section 1. 1. As used in this section, the following terms mean:**

(1) "Commissioner", the commissioner of the office of administration;

(2) "Fleet manager", the state vehicle fleet manager created pursuant to subsection 2 of this section;

(3) "State vehicle fleet", all vehicles used by the state or titled to the state for the purpose of conducting state business;

(4) "Vehicle", as defined pursuant to section 301.010, RSMo.

2. There is hereby created within the office of administration the position of state vehicle fleet manager. The fleet manager shall be appointed by the commissioner of administration pursuant to the provisions of chapter 36, RSMo.

3. The fleet manager shall institute and supervise a state vehicle fleet tracking system in which the cost of owning and operating each state vehicle is documented by the agency owning the vehicle. All state agencies shall report the purchase and the sale of any vehicle to the fleet manager and provide any additional information requested by the fleet manager in the format, manner, and frequency determined by the office of administration. The fleet manager shall have the authority to suspend any agency's use of its credits established pursuant to section 2 of this act if the agency does not comply with the requirements of this section or section 3, RSMo, until he or she is satisfied that such compliance is achieved.

4. The fleet manager shall submit an annual report to the speaker of the house of representatives, the president pro tempore of the senate, and the governor before January thirty-first of each year. The fleet manager's report shall consist of the status of the state vehicle fleet and any recommendations for improvements and changes necessary for more efficient management of the fleet.

5. The office of administration shall establish guidelines for determining the most cost-effective and reasonable mode of travel under the circumstances for single trips from the following options: passenger rail; vehicle rental; fleet checkout; and reimbursement for personal car use.

6. The commissioner shall issue policies governing the acquisition, assignment, use, replacement, and maintenance of state-owned vehicles.

7. Each agency shall pay a state vehicle fleet fee, as determined by the office of administration, for each vehicle it owns for the purpose of funding the state vehicle fleet tracking system and for other administrative expenses incurred in management of the state vehicle fleet. Any agency that owns at least one thousand vehicles shall receive a credit against the state vehicle fleet fee for the internal fleet management services performed by such agency, provided such agency furnishes all information required by the fleet manager.

8. State agencies shall be responsible for ensuring that state vehicles are used only for state business and not for private purposes.

Section 2. Provisions of section 37.090, RSMo, notwithstanding, all proceeds generated by the sale of a surplus vehicle, except proceeds generated from the department of transportation, the department of conservation, the Missouri state highway patrol, and all state colleges and universities, may be deposited in

the state treasury to the credit of the office of administration revolving administrative trust fund and credited to the state agency owning the vehicle at the time of sale. Upon appropriation, moneys credited to agencies from the sale of surplus state fleet vehicles shall be used solely for the purchase of vehicles for the respective agency.

Section 3. All state agencies owning motor vehicles shall be responsible for obtaining an inspection of each of their vehicle's mechanism and equipment in accordance with the provisions of sections 1 to 3, and obtaining a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station."; and

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following section:

"**304.153. 1. Upon approaching a stationary motor vehicle stopped on the shoulder of the roadway, the driver of every motor vehicle shall:**

(1) Proceed with caution and, if possible with due regard to safety and traffic conditions, make a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(3) Operators of motor vehicles shall treat tow trucks in the same manner as they are required to treat law enforcement vehicles, ambulances, or any other emergency vehicle.

2. Any person who violates the provisions of this section is guilty of an infraction."; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities **or airports owned, controlled, or maintained by such cities**.

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official designated in such

ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time.

3. The repeal and reenactment of this section shall become effective January 1, 2005.

305.510. 1. "The Missouri-St. Louis Metropolitan Airport Authority" is hereby established. The authority is a body corporate and a political subdivision of the state and shall be known as "The Missouri-St. Louis Metropolitan Airport Authority", and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2005, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.

4. The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.

5. Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.

6. The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.

7. The repeal and reenactment of this section shall become effective January 1, 2005.

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor]**, the county executive** of St. Louis County, **the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties,** with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years.] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The members initially appointed in an odd-numbered year by an appointing authority shall be appointed for a term of four years. The initial members appointed in an even-numbered year shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.** Any fraction of a year shall be considered a full year and

each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

5. The repeal and reenactment of this section shall become effective January 1, 2005.

305.572. 1. Beginning April 1, 2005, the authority shall enter into negotiations with the appropriate officials from the city of St. Louis to discuss issues regarding employees who work in the area's airport. The issues to be discussed shall include, but not be limited to, the following:

(1) Employee transition issues;

(2) Employee pension plans and other retirement issues; and

(3) The amount of compensation from the city of St. Louis to employee wages, pension plans and other benefit programs.

Any issues discussed between the authority and the city of St. Louis shall not be binding upon the parties.

2. This section shall become effective January 1, 2005."; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 10, Section 144.020, Line 24 of said page, by deleting the word "**Ten**" and inserting in lieu thereof the word "**Eighteen**"; and

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

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 48, Section 227.100, Line 19, by inserting immediately after said line the following:

"**5. Any dispute or controversy arising from a contract awarded pursuant to section 226.130.1(9) RSMo shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435 RSMo.**".

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for

Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 77, Section 307.211, Line 3, by inserting after said line the following:

"**Section 1. All aircraft owned and operated by the state of Missouri or its agencies shall be considered vehicles and shall be under the supervision of the state vehicle fleet manager.**"; and

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

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 77, Section 307.211, Line 2, by inserting after all of said line the following:

"**Section 1. If the department of transportation removes property from any roadway of this state pursuant to section 304.155, RSMo, such property shall be immediately taken to the shoulder or berm of the roadway, and the department employees shall not use a wrecker, tow truck, or roll-back in the removal process.**"; and

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

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"**Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.**

2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.

3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission."; and

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

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following sections:

"302.720. 1. Except when operating under an instruction permit as described in this section, no

person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

(1) The written and driving tests shall be held at such times and in such places as the [director] **superintendent** may designate. A [five-dollar] **twenty-five dollar** examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(3) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material, such person shall be required to take the written test for such endorsement. A [five-dollar] **twenty-five dollar** examination fee shall be paid

[for each test taken] **upon completion of such tests**.

3. [The director may waive the driving test for a commercial driver's license if such applicant provides the certifications required by regulations established by the secretary as a substitute for the driving test and holds a valid license.

4. The certifications may include, but not be limited to, stating that during the two-year period immediately prior to applying for a commercial driver's license the applicant:

(1) Has not had more than one license;

(2) Has not had any license suspended, revoked, canceled or disqualified;

(3) Has not had a conviction in any type of motor vehicle for driving while intoxicated, driving while under the influence of alcohol or controlled substance, leaving the scene of an accident or felony involving the use of a commercial motor vehicle;

(4) Has not violated any state law or county or municipal ordinance relating to the operation of a motor vehicle in connection with an accident; and

(5) Has no record of an accident in which such applicant was at fault.

5. In order to be valid as a certification exempting the applicant from the driving test, the applicant shall also provide evidence and certify that:

(1) He is regularly employed in a job requiring him to drive a commercial motor vehicle; and

(2) He has previously taken and passed a driving test given by a state with a classified licensing and testing system, and that the test was behind the wheel in a representative vehicle for that applicant's license classification; or

(3) He has operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant drives or expects to drive.

6.] A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

302.721, 1. There is hereby created in the state treasury the "Commercial Driver License Examination Fund". The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

2. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated

with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the superintendent of the highway patrol for functions related to the testing, auditing, retesting, and compliance of commercial driver license third-party examination programs, and the administration of the state CDL testing program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

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

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

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting at the appropriate location the following:

"**67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:**

(1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;

(2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;

(4) "Chief executive", the mayor of the city and the county executive of the county;

(5) "City", a city not within a county;

(6) "Commission", the regional taxicab commission created in section 67.1804;

(7) "County", a county with a charter form of government and with more than one million inhabitants;

(8) "District", the geographical area encompassed by the regional taxicab commission;

(9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;

(10) "Hotel and restaurant industry", the group of enterprises actively engaged in the

business of operating lodging and dining facilities for transient guests;

(11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;

(12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

(1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;

(2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;

(3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service and encourage minority participation within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to:

(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code

becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

(1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;

(2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

(4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) The need of the airport authority to provide services at the airport's passenger terminals; and

(3) Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission;

(2) All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

(3) All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and

(4) All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books,

papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section."; and

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

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting after all of said line the following:

"[304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. The owner of real property or lessee or property or security manager in lawful possession of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained; or a twenty-four-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property; or

(2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and

the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.

3. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The name of the law enforcement agency notified of the abandoned property.

The department of revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. The cost of the forms shall be determined by the department of revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.

4. The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

5. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a

removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection 2 of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.

7. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.

8. If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection 2 of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection 2 of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.]

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full- time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be

removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) The abandoned property is left unattended on [owner-occupied] residential property with **two to** four residential units [or less], and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification[.]**; or**

(4) The abandoned property is left unattended on owner-occupied single unit residential property, and the owner or agent of the owner has notified the appropriate law enforcement agency.

5. Pursuant to this section, any owner**, agent of the owner of real property,** or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue **to all law enforcement agencies and towing companies** and shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section **if any** and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

(10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and

(11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall **provide an abandoned property report for the owner, agent of the owner of real property, or lessee in lawful possession of real property to fill out and after it is filled out shall** deliver a copy of the abandoned property report to the local law enforcement agency having

jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 20

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 21, Section 226.200, Lines 10-24, Page 22, Section 226.200, Lines 1 to 24, Page 23, Section 226.200, Lines 1 to 21, by deleting all of said section and inserting in lieu thereof the following:

"226.200. 1. There is hereby created a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;

(2) Money received from the United States government; or

(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsection 3 of this section, from said fund shall be paid or credited the cost:

(1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2) Of maintaining the state highways and transportation commission;

(3) Of maintaining the state transportation department;

(4) Of any workers' compensation for state transportation department employees;

(5) Of the share of the transportation department in any retirement program for state employees, only as may be provided by law; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. [For all future fiscal years,] **Beginning in Fiscal Year 2004,** the total amount of appropriations from the state highways and transportation department fund for all state offices and departments **except for the highway patrol; the department of revenue for actual costs of collecting taxes and fees that are deposited in the state highways and transportation department fund, state road fund and motor fuel tax fund; and actual costs incurred by the office of administration for or on behalf of the highway patrol and the department of revenue for actual collection costs as described in this subsection;** shall [not exceed the total amount appropriated for such offices and departments from said fund for fiscal year 2001] **be reduced by twenty percent from the total appropriated for such agencies from such fund for fiscal year 2001. Each subsequent fiscal year, the amount appropriated from the state highways and transportation department fund for such agencies shall be reduced by an additional twenty percent of the amount appropriated from said fund for fiscal year 2001 until the total appropriated to such agencies from the state highways and transportation department fund reaches zero in fiscal year 2008. Appropriations so reduced from such agencies shall be replaced by general revenue subject to appropriation.**

4. The provisions of subsection 3 of this section shall not apply to appropriations from the state highways and transportation department fund to the highways and transportation commission and the state transportation department or to appropriations to the office of administration for department of transportation employee fringe benefits and OASDHI payments, or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

5. All interest earned upon the state highways and transportation department fund shall be deposited in and to the credit of such fund.

6. Any balance remaining in said fund after payment of said costs shall be transferred to the state road fund.

7. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the transportation department.".

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 17, Section 226.134, Line 19, by adding after the words "transportation department," the following:

"**The sale of such bonds, pursuant to this section and section 226.133 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.".

HOUSE AMENDMENT NO. 22

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868, and 738, Page 74, Section 305.230, Line 8, by inserting after said line the following:

"**305.700. 1. Sections 305.700 to 305.714 may be cited as the "Missouri Airport Protection Act".**

2. As used in sections 305.700 to 305.714, the following terms mean:

(1) "Airport", an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, including buildings, equipment, rights-of-way, property and appurtenant areas, that is open to the public;

(2) "Aviation hazard", any structure, object, or natural growth, or use of land which obstructs the air space required for the flight of aircraft landing or taking off at any airport or is otherwise hazardous to such landing or taking off;

(3) "Commission", the Missouri highways and transportation commission;

(4) "FAA", the Federal Aviation Administration or its successor agency;

(5) "Obstruction", any structure natural or man made, penetrating the navigable airspace as defined in the standards for determining obstructions and navigable airspace in section 305.704;

(6) "Permit", an airport structure permit issued by the commission pursuant to sections 305.700 to 305.714;

(7) "Person", an individual, firm, partnership, corporation, association or political subdivision. Person includes a trustee, receiver, assignee or other similar representative of a person;

(8) "Public airport", an airport open to the public and eligible for public funding;

(9) "Structure", an object constructed or installed including, but not limited to, a building, tower, antenna, smokestack or overhead transmission line.

305.702. 1. The general assembly finds an aviation hazard endangers the lives and property of users of an airport and of occupants of land in its vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein. Certain structures are hazardous to aircraft in flight because of their height or location, especially during periods of reduced visibility and darkness. Structures determined to be hazards are not in the interest of public health, public safety or the general welfare of the people of Missouri.

2. The commission shall establish an airspace review and permit process to regulate structures that may be erected in proximity to public airports of the state and to ensure that they do not interfere with air navigation.

305.704. 1. A permit shall be required before erecting, adding to or replacing any structure:

(1) Within twelve thousand feet of the midpoint of the primary runway and one hundred feet or higher above the elevation of the public airport;

(2) Between twelve thousand one feet and seventeen thousand feet of the midpoint of the

primary runway and one hundred fifty feet or higher above the elevation of the public airport.

2. The permit application shall include as a minimum the location of the airport, including latitude and longitude, ground elevation and maximum height of the proposed structure and the distance to, direction from, and elevation of the nearest airport runway. The application will also include a 7.5 minute quadrangle topographical map showing the location of the proposed structure and copies of any application for or determinations from a FAA Form 7460-1, or other applicable federal airspace review form, if required.

3. The application shall be presented by mail or in person to the aviation section of the commission at least thirty days prior to the date of the proposed construction. It is not necessary that ownership of, option for or other possessor right to a specific location site be held by the applicant before the application for a permit is filed with the commission. The commission shall act upon such applications within a reasonable time.

4. No application for a permit shall be required for the emergency repair or replacement of public utility, rural electric cooperative or federally licensed radio or television structures, other than buildings, to ensure continuity of proper customer service, when the height of such structures is not increased by such emergency repair or replacement.

5. Nothing in sections 305.700 to 305.714 shall be construed as prohibiting the construction or maintenance of any structure or growth up to one hundred feet in height above the surface of the land.

6. This section shall not apply to, nor is an application for a permit required, when local aviation hazard zoning or regulation is equal to or more restrictive than this section. If such zoning or regulation is more restrictive, local zoning or regulation supersedes sections 305.700 to 305.714. Nothing contained in this section shall prevent any political subdivision from adopting more restrictive requirements for structures within its jurisdiction.

305.706. 1. The commission shall investigate all permit applications that meet the criteria contained in section 305.704 and as necessary to process the application properly pursuant to sections 305.700 to 305.714. The investigation shall consider the safety and welfare of persons and property in the air and on the ground.

2. The commission may approve an application for a temporary structure that will be in existence for such a short duration that it will no longer occupy the same airspace at the time a formal application can be considered by the commission. Such approval may be granted only if it is evident that the proposed temporary structure will not adversely affect the safety of air navigation.

3. In cases where the FAA has determined that an aeronautical study is needed, the commission will withhold permit approval until the FAA has completed its study. Sufficient grounds for denial of a permit include objection or determination of a hazard by the FAA, violation of a federal aviation regulation, raising of established approach or vectoring minimums. Considering all information supplied by the applicant and other pertinent information available, the commission shall make a determination to approve or deny the permit within a reasonable time.

305.708. If the application is approved by the commission, a permit shall be issued to the applicant. If, upon investigation, the commission determines that a permit should be denied or that the height or location should be other than applied for, the commission shall notify the applicant in writing. The notification may be sent by first class mail to the applicant at the address specified in the application. The

determination is final thirty days after notification of the determination is served, unless the applicant, within the thirty-day period, appeals the determination in writing to the commission and requests a hearing. Such hearing shall be conducted pursuant to section 305.712.

305.710. 1. A permit shall specify any obstruction markings, lighting or other visual or aural identification required to be installed on or in the vicinity of the structure, if any. The identification characteristics shall be in accordance with federal laws and regulations. All obstruction lights required pursuant to this section shall be maintained in an operable condition.

2. If ordered by the commission, the owner of a nonconforming structure that is permanently out of service or partially dismantled, destroyed, deteriorated or decayed shall demolish or remove that structure at the owner's expense.

305.712. 1. An appeal hearing pursuant to this section shall be conducted within forty-five days of the appeal request and shall be open to the public. Any person interested may appear and be heard either in person or by counsel and may present evidence and testimony. The review board for such appeal shall be made up of two representatives from the commission, two members from the state aviation advisory committee, and one member from the closest airport as affected by the site where the structure is proposed. If the proposed structure is associated with a telecommunications tower or antenna, two representatives from the Missouri Telecommunications Industry Association shall also be on the review board. The findings of the review board on any appeal of an application shall be considered to be the final administrative action.

2. Within thirty days after the issuance of an order by the commission, a person aggrieved by the order may appeal to the review board in subsection 1 of this section, or have the action of the commission reviewed by the circuit court in the manner provided for the review of orders of other administrative bodies of this state. A decision of the review board pursuant to subsection 1 of this section may also be appealed pursuant to this subsection.

305.714. 1. The commission shall adopt and promulgate, and may from time to time amend or rescind, reasonable rules and fees for the administration of sections 305.700 to 305.714. The commission shall prescribe and furnish forms necessary for the administration of sections 305.700 to 305.714.

2. The commission shall determine whether violations of sections 305.700 to 305.714, or any rules promulgated pursuant to sections 305.700 to 305.714 have occurred or are threatened. A notification of a violation or threat of violation shall be sent by certified mail, to the person who owns or controls the structure or land in violation thereof. The notice shall state the location, type of structure and the reasons the structure is or would be in violation of such sections or such regulations. The person shall be requested to correct the violation within thirty days of the notice or show cause to the commission why compliance should not be enforced.

3. The person to whom the notice is directed pursuant to this section may show cause why enforcement should be withheld by filing a written request for a hearing. Such hearing shall be conducted pursuant to section 305.712. Such request shall state, if applicable, facts sufficient to show:

(1) The structure is not an obstruction as defined by section 305.700 to 305.714 or any rules promulgated pursuant to sections 305.700 to 305.714;

(2) The structure is in the airspace of the airport, but it is not an obstruction to the safety of air navigation; and

(3) Any other facts the petitioner deems relevant that would relieve him or her from the terms of the order, including a request for an extension of time to remove the structure.

4. The commission may order action be instituted in the appropriate court of jurisdiction for the enforcement of applicable statutes, rules, regulations, and orders issued pursuant to sections 305.700 to 305.714 and shall investigate violations or threats of violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714. Any person seeking judicial review of any such statute or rule shall be deemed to have exhausted all administrative review procedures.

5. In addition to any other remedy, the commission may institute in a court of competent jurisdiction an action to enjoin, restrain, correct or abate a violation of sections 305.700 to 305.714 or rules promulgated pursuant to sections 305.700 to 305.714.

6. Sections 305.700 to 305.714, or any rule promulgated pursuant to sections 305.700 to 305.714, shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, prior to August 28, 2001, or as otherwise interfere with the continuance of any nonconforming use. Sections 305.700 to 305.714, or any rule promulgated pursuant to such sections, shall not require any change in the construction, alteration or intended use of any structure, provided that such construction or alteration was begun prior to August 28, 2001, and is diligently prosecuted after August 28, 2001.

7. No rule or portion of a rule promulgated pursuant to sections 305.700 to 305.714 shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

Section 1. The Commission is prohibited from expending funds, which are presumed for or dedicated to highway use as described in Chapter 142, in the enforcement of sections 305.700 to 305.714."; and

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

HOUSE AMENDMENT NO. 24

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 56, Section 227.108, Line 5, by adding after said line all of the following:

"**233.298. 1. Whenever a petition, signed by a majority of the residents within a road district organized pursuant to sections 233.170 to 233.315, shall be filed with the county commission of any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants in which such district is situated, setting forth the name of the district and the name and address of each signer of such petition, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.**

2. Whenever a petition signed by at least fifty registered voters residing within the district is filed with the county clerk of the county in which the district is situated, setting

forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

Shall the..... incorporated road district organized pursuant to sections 233.170 to 233.315, RSMo, be dissolved?

[ ] YES [ ] NO

If a majority of the persons voting on the question are in favor of the proposition, then the county commission shall disincorporate the road district. All assets and equipment of the road district shall revert to the county in which the district is situated and any taxes levied for such road district shall no longer be assessed.

3. The petition filed pursuant to subsection 2 of this section shall be submitted to the clerk of the county no later than eight weeks prior to the next countywide election at which the question will be voted upon."; and

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

HOUSE AMENDMENT NO. 25

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, by inserting in the appropriate location the following:

"**436.300. Notwithstanding any other law to the contrary, all parties to any contract or agreement for private construction work that is between any owner and any contractor, or between any contractor and any subcontractor, or between any subcontractor and any sub-subcontractor, or any supplier at whatever tier for construction, reconstruction, maintenance, alteration, or repair for a private owner of any building, improvement, structure, private road, appurtenance, or appliance, including moving, demolition, or any excavating connected therewith, shall make payment in accordance with the terms of such contract or agreement, provided such terms are not inconsistent with the provisions of sections 436.300 to 436.336.**

436.303. A contract or agreement may include a provision for the retainage of a portion of any payment due from the owner to the contractor, not to exceed ten percent of the amount of such payment due pursuant to the contract or agreement, to ensure the proper performance of the contract or agreement, provided that the contract may provide that if the contractor's performance is not in accordance with the terms of the contract or agreement, the owner may retain additional sums to protect the owner's interest in satisfactory performance of the contract or agreement. The amount or amounts so retained by the owner shall be referred to in sections 436.300 to 436.336 as "retainage", and shall be held by the owner in trust for the benefit of the contractor and contractor's subcontractors, sub-subcontractors, and suppliers at whatever tier who are not in default, in proportion to their respective interests. Such retainage shall be subject to the conditions and limitations listed in section 436.300 to 436.336.

436.306. 1. The contractor may tender to the owner acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall thereupon either:

(1) Be entitled to receive cash payment of retainage pursuant to this section; or

(2) Not be subject to the withholding of retainage, in either case, to the extent of the security tendered, provided that the contractor is not in default of its agreement with the owner.

2. If the tender described in subsection 1 of this section is made after retainage has been withheld, the owner shall, within five working days after receipt of the tender, pay to the

contractor the withheld retainage to the extent of the substitute security. If the tender described in subsection 1 of this section is made before retainage has been withheld, the owner shall, to the extent of the substitute security, refrain from withholding any retainage from the future payments.

436.309. A subcontractor of the contractor may tender to the contractor acceptable substitute security as set forth in section 436.312 with a written request for release of retainage in the amount of the substitute security. The contractor shall tender the subcontractor's substitute security to the owner with a like request, pursuant to the provisions of section 436.306. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall pay over to the subcontractor, within five working days after receipt, any accumulated retainage paid by the owner to the contractor on account of substitute security tendered by the subcontractor, except that the contractor shall not be required to pay over retainage in excess of the amount properly attributable to work completed by the subcontractor at the time of payment. Provided that the subcontractor is not in default of its agreement with the contractor, the contractor shall refrain from withholding retainage from payments to the subcontractor to the extent the owner has refrained from withholding retainage from payments to the contractor on account of the subcontractor's substituted security. The subcontractor shall be entitled to receive, upon receipt by the contractor, all income received by the contractor from the owner on account of income producing securities deposited by the subcontractor as substitute security. Except as otherwise provided in this section, the contractor shall have no obligation to collect or pay to a subcontractor retainage on account of substitute security tendered by the subcontractor.

436.312. 1. The following shall constitute acceptable substitute security for purposes of sections 436.306 and 436.309:

(1) Certificates of deposit drawn and issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state; and mutually agreeable to the project owner and the contractor or subcontractor, in the amount of the retainage released. If the letter of credit is not renewed at least sixty days before the expiration of the letter of credit, the owner may draw upon the letter of credit regardless of the contractor's or subcontractor's performance for an amount equal to or no greater than the value of the amount of work remaining to be performed by the contractor or subcontractor.

(2) A retainage bond naming the owner as obligee issued by any surety company authorized to issue surety bonds in this state in the amount of the retainage released; or

(3) An irrevocable and unconditional letter of credit in favor of the owner, issued by a national banking association located in this state or by any banking corporation incorporated pursuant to the laws of this state, in the amount of the retainage released.

2. The contractor shall be entitled to receive, in all events, all interest and income earned on any securities deposited by the contractor in substitution for retainage.

436.315. A contractor shall not withhold from any subcontractor any retainage in excess of the retainage withheld from the contractor by the owner for the subcontractor's work, unless the subcontractor's performance is not in accordance with the terms of the subcontract, in which case, subject to the terms of the subcontract, the contractor may retain additional sums to ensure the subcontractor's satisfactory performance of the subcontract.

436.318. Upon the release of retainage by the owner to the contractor, other than for substituted security pursuant to sections 436.306 and 436.312, the contractor shall pay to each subcontractor the subcontractor's ratable share of the retainage released, provided that all conditions of the subcontract for release of retainage to the subcontractor have been satisfied.

436.321. If it is determined that a subcontractor's performance has been satisfactorily and substantially completed and the subcontractor can be released prior to substantial completion of the entire project without risk to the owner involving the subcontractor's work, the contractor shall request such adjustment in retainage, if any, from the owner as necessary to enable the contractor to pay the subcontractor in full or in proportion to the amount of work that has been satisfactorily and substantially completed on the project, and the owner shall as part of the next contractual payment cycle release the subcontractor's retainage to the contractor, who shall in turn as part of the next contractual payment cycle release such retainage as is due the subcontractor.

436.324. Within thirty days of the project reaching substantial completion, as defined in section 436.327, all retainage or substitute security shall be released by the owner to the contractor less an amount equal to one hundred fifty percent of the costs to complete any remaining items. Upon receipt of such retainage from the owner, the contractor shall within seven days release to each subcontractor that subcontractor's share of the retainage.

436.327. The project shall be deemed to have reached substantial completion upon the occurrence of the earlier of one of the following events:

(1) The architect or engineer issues a certificate of substantial completion;

(2) The applicable governmental agency issues a use or occupancy permit; or

(3) The owner begins to use or could have begun to use the project for its intended purpose.

436.330. Subcontractors and sub-subcontractors of every tier shall comply with the provisions of sections 436.300 to 436.336 in their relations with their sub-subcontractors and suppliers and shall be bound by the same obligations to their sub-subcontractors and suppliers as contractors are to their subcontractors.

436.333. A contract or agreement formed after August 28, 2002, shall be unenforceable to the extent that its provisions are inconsistent with sections 436.300 to 436.336. If retainage is withheld in violation of sections 436.300 to 436.360, a court may, in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date of such wrongful or improper withholding of retainage. In any action brought to enforce sections 436.300 to 436.336, a court may award reasonable attorney's fees to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 436.350, the arbitrator may award any remedy that a court is authorized to award.

436.336. Sections 436.300 to 436.336 shall apply to contracts and agreements entered into after August 28, 2002. Sections 436.300 to 436.336 shall apply to all private construction projects, except single-family residential construction and other residential construction consisting of four or fewer units."; and

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

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute

for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 44, Section 226.585.1, Line 10, by inserting after the word "commission" the following:

"**and shall not be denied without good cause.**".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 27

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 226.137, Line 9, by inserting after said section the following:

"**226.201. 1. Beginning the first fiscal year following the effective date of this act, ten percent of the actual net general revenue receipts which exceed the actual net general revenue receipts received in the most recent fiscal year in which actual net receipts are known, shall be used to fund, subject to appropriation, the costs of state offices and departments no longer receiving appropriations from the state highways and transportation department fund pursuant to subsection 3 of section 226.200.**

2. If the amount of actual net general revenue receipts collected under subsection one of this section exceeds the cost of such state agencies and departments, the excess shall be deposited in the state road fund, as established in section 226.200."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 28

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 970, 968, 921, 867, 868, and 738, Page 16, Section 226.030, Line 18, by inserting after the word "**commission.**" the following: "**Such candidates shall be submitted to the governor by June first in even-numbered years.**"

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Dougherty moved that **SCS** for **HB 1811**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **HB 1811**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Jacob	Sims—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Mathewson moved that **SCS** for **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**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Rohrbach assumed the Chair.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Jacob	Singleton—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

HCS for **HB 1443**, with **SCS**, entitled:

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the Safe Place for Newborns Act.

Was taken up by Senator Gibbons.

SCS for **HCS** for **HB 1443**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1443

An Act to repeal sections 210.145, 211.031 and 211.181, RSMo, and to enact in lieu thereof four new sections relating to child abandonment.

Was taken up.

Senator Gibbons moved that **SCS** for **HCS** for **HB 1443** be adopted.

Senator Gibbons offered **SS** for **SCS** for **HCS** for **HB 1443**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1443

An Act to repeal sections 192.016 and 453.030, RSMo, and to enact in lieu thereof three new sections relating to child abandonment.

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 1443** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14, by inserting after all of said line, the following:

"**210.566. 1. The division of family services and its contractors shall treat foster parents with courtesy, respect and consideration. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team with courtesy, respect and consideration.**

2. (1) The division of family services and its contractors shall provide foster parents with training, pre-service and in-service, and support. The division of family services and its contractors shall share all pertinent information

about the child and the child's family, including but not limited to, the case plan with the foster parents to assist in determining if a child would be a proper placement. The division of family services and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family. The division of family services and its contractors shall arrange pre-placement visits, except in emergencies. The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the division of family services shall update the foster parents as new information about the child is gathered. Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed to participate, consistent with section 210.761. The division of family services shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545.

(2) Foster parents shall treat all information received from the division of family services about the child and the child's family as confidential. Foster parents may share information they may learn about the child and the child's family with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in pre-placement visits, before deciding whether to accept a child for placement. Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The division of family services shall allow foster parents to help plan visitation between the child and the child's biological family.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Recognizing that visitation with family members is an important right, foster parents shall be flexible and cooperative in regard to family visits.

4. (1) Consistent with state laws and regulations, the state may provide, upon request by the foster parents, information about a child's progress after the child leaves foster care. Except in emergencies, foster parents shall be given advance notice consistent with division policy, and a written statement of the reasons before a child is removed from their care. If a child re-enters the foster care system, the child's foster parents shall be considered as a placement option. If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

(2) Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents shall inform the child's caseworker of their interest if a child re-enters the system. If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker in a timely manner. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home. When requesting removal of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the

child's caseworker, except in emergency situations.

5. (1) Foster parents shall be informed by the court in a timely manner of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.

6. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal. Foster parents shall know and follow the policies of the state, including the appeals procedure."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gross raised the point of order that **SA 1** is out of order, as it is outside the scope of the bill.

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

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14 of said page, by inserting after all of said line the following:

"210.145. 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation, or, which, if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

4. The local office of the division shall cause an investigation or family assessment and services approach to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. When the child is reported absent from the residence, the location and the well-being of the child shall be verified.

5. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The public school district liaison shall be designated by the superintendent of each school district. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation.

6. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

7. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

8. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

9. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

10. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

11. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.

14. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

15. **In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.**

16. The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

[16.**] 17.** 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, 2000, shall be invalid and void."; and

Further amend said bill, Page 7, Section 210.950, Line 7 of said page, by inserting after all of said line the following:

"211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(d) The child or person seventeen years of age is a child in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his or her home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age, the juvenile court of the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours.

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state**;**

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his

attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.”; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 2** is out of order, as it is not germane to the subject matter of the bill.

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

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1443, Page 3, Section 192.016, Line 14, by inserting after all of said line, the following:

"**210.566. 1. (1) The division of family services and its contractors shall provide foster parents with training, pre-service and in-service, and support. The division of family services and its contractors shall share all pertinent information about the child and the child's family, including but not limited to, the case plan with the foster parents to assist in determining if a child would be a proper placement. The division of family services and its contractors shall inform the foster parents of issues relative to the child that may jeopardize the health or safety of the foster family. The division of family services and its contractors shall arrange pre-placement visits, except in emergencies. The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the division of family services shall update the foster parents as new information about the child is gathered. Foster parents shall be informed of upcoming meetings and staffings, and shall be allowed to participate, consistent with section 210.761. The division of family services shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545.**

(2) Foster parents shall treat all information received from the division of family services about the child and the child's family as confidential. Foster parents may share information they may learn about the child and the child's family with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in pre-placement visits, before deciding whether to accept a child for placement. Foster parents shall follow all procedures defined by the division of family services for requesting and using respite care.

2. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The division of family services shall allow foster parents to help plan visitation between the child and the child's biological family.

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Recognizing that visitation with family members is an important right, foster parents shall be flexible and cooperative in regard to family visits.

3. (1) Consistent with state laws and regulations, the state may provide, upon request by the foster parents, information about a child's progress after the child leaves foster care. Except in emergencies, foster parents shall be given advance notice consistent with division policy, and a written statement of the reasons

before a child is removed from their care. If a child re-enters the foster care system, the child's foster parents shall be considered as a placement option. If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070, RSMo.

(2) Confidentiality rights of the child and the child's parents shall be respected and maintained. Foster parents shall inform the child's caseworker of their interest if a child re-enters the system. If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker in a timely manner. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home. When requesting removal of a child from their home, foster parents shall give reasonable advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

4. (1) Foster parents shall be informed by the court in a timely manner of all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464, RSMo.

(2) Foster parents shall share any concerns regarding the case plan for a child in their care with the child's caseworker, as well as other members of the child welfare team, in a timely manner.

5. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal. Foster parents shall know and follow the policies of the state, including the appeals procedure."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out order as the amendment is not germane, as it goes beyond the scope of the bill and further that it is dilatory in nature.

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

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HB 1443**, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **HCS** for **HB 1443** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senator Coleman—1

Absent—Senators

Jacob	Quick	Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Singleton assumed the Chair.

HB 1041, with **SCS**, introduced by Representative Myers, entitled:

An Act to repeal section 94.875, RSMo, and to enact in lieu thereof one new section relating to tourism tax trust funds in certain cities.

Was taken up by Senator Childers.

SCS for **HB 1041**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1041

An Act to repeal sections 67.1360, 92.327, 92.336, 94.875 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **HB 1041** be adopted.

Senator Childers offered **SS** for **SCS** for **HB 1041**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1041

An Act to repeal sections 67.1360, 92.327, 92.336, 94.875 and 620.467, RSMo, relating to tourism, and to enact in lieu thereof twelve new sections relating to the same subject.

Senator Childers moved that **SS** for **SCS** for **HB 1041**, be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 4, Section 67.1360, Line 26, by striking the word "or" as is appears at the end of said line; and

Further amend said bill and section, Page 5, Line 4, by inserting after "inhabitants;" the following: "**or**

(23) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;".

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

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 5, Section 67.1360, Line 21, by inserting immediately after said line the following:

"**67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:**

(1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;

(2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;

(4) "Chief executive", the mayor of the city and the county executive of the county;

(5) "City", a city not within a county;

(6) "Commission", the regional taxicab commission created in section 67.1804;

(7) "County", a county with a charter form of government and with more than one million inhabitants;

(8) "District", the geographical area encompassed by the regional taxicab commission;

(9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;

(10) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;

(11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;

(12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;

(13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;

(14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs;

(15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;

(16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

67.1802. There is hereby established a "Regional Taxicab District", with boundaries which shall encompass any city not within a county and any county with a charter form of government and with more than one million inhabitants, including all incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional Taxicab Commission", which shall be a body politic and corporate vested with all the powers expressly granted to it herein and created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system, and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus eight members, four of whom shall be appointed by the chief executive of the city with approval of the board of aldermen, and four of whom shall be appointed by the chief executive of the county with approval of the governing body of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person

appointed by that chief executive. All members and the chairperson must reside within the district while serving as a member. All members shall serve without compensation. Nothing shall prohibit a representative of the taxicab industry from being chairperson.

2. In making the eight appointments set forth in subsection 1 of this section, the chief executive officer of the city and the chief executive officer of the county shall collectively select four representatives of the taxicab industry. Such four representatives of the taxicab industry shall include at least one from each of the following:

(1) An owner or designated assignee of a taxicab company which holds at least one but no more than one hundred taxicab licenses;

(2) An owner or designated assignee of a taxicab company which holds at least one hundred one taxicab licenses or more;

(3) A taxicab driver, excluding any employee or independent contractor of a company currently represented on the commission.

The remaining five commission members shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. If any representative of the taxicab industry resigns or is otherwise unable to serve out the term for which such representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to:

(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of

improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the Consumer Price Index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the commission shall:

(1) Elect its own vice chair, secretary, and such other officers as it deems necessary, make such rules as are necessary and consistent with the commission's powers;

(2) Provide for the expenditure of funds necessary for the proper administration of the commission's assigned duties;

(3) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

(4) Make decisions by affirmative vote of the majority of the commission; provided that each of the commissioners, including the chairperson, shall be entitled to one vote on each matter presented for vote and provided further that at least two city appointees and two county appointees, excluding the chairperson, must be included in each majority vote of the commission.

2. The commission shall not exceed or expend moneys in excess of any fees collected and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab commission shall meet for the purpose of establishing and adopting a district-wide taxicab code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably practical, to preserve within the code provisions similar to those contained in chapter 8.98 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding unnecessary overlaps or inconsistencies between the ordinances. The commission shall present a draft of its district-wide taxicab code at public hearings, one of which will be held in the city and another in the county, following prior public notice of same. Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than thirty days and the second publication to be not more than ten days prior to each hearing in a newspaper of general circulation in the city and county. The commission shall adopt its taxicab code no later than one hundred eighty days after the appointment of the initial commission members. The commission shall have the power to amend the taxicab code from time to time following the initial adoption without the requirement of public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and airport authority generally regarding the taxicab code and, in particularly with reference to airport taxicabs, shall seek to ensure:

(1) Continuous, smooth airport service during any transition period from the current city and county operation to the new regional taxicab commission;

(2) The need of the airport authority to provide services at the airport's passenger terminals; and

(3) Airport authority involvement as to the servicing of the airport by airport taxicabs.

The commission shall not regulate the airport or airport taxicabs as to cab parking, circulation, cab stands, or passenger loading at the airport, or the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect and be enforced as such by the city and county until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded as well as ordinances adopted by municipalities within the county. Upon the effective date of the taxicab code:

(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission;

(2) All taxicabs subject to the taxicab code shall be required to comply fully with the taxicab code, notwithstanding any previously issued licenses or certificates of convenience;

(3) All permits valid and effective as of August 28, 2002, shall remain valid and effective until the date of expiration or renewal of such permit; and

(4) All available taxicab licensing, inspection, and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code.

The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees as well as local business licenses which do not seek to regulate taxicab use shall not be preempted by the taxicab code except by agreement between the commission and applicable municipality.

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses. The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers.

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual fee-generated budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to and unspent by other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab commission shall make an annual report to the chief executive officers and to the governing bodies of the city and county stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants who shall annually examine the books, papers, documents, accounts, and vouchers of the commission, and who shall report thereon to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts, and vouchers, and shall in every way assist such certified public accountants in the performance of their duties pursuant to this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1041, Page 8, Section 94.875, Line 15, by inserting after all of said line the following:

"**311.481. 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, by the drink between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term "airline club" shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such 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 each airline club 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, a person licensed pursuant to this section 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; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply."; and

Further amend said bill, Page 15, Section 620.467, Line 14, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to clarify the law relating to Sunday liquor sales in airline clubs, the enactment of section 311.481 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 311.481 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 Sims moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Childers, **HB 1041**, 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 Conferees be allowed to exceed the differences on **SCS** for **HCS** for **HBs 1101** through **1112**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1468** and has taken up and passed **SCS** for **HB 1468**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1473** and has taken up and passed **SCS** for **HB 1473**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 1888** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 1888**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HBs 1205**, **1214**, **1314**, **1320**, **1504**, **1788**, **1867** and **1969** and has taken up and passed **SCS** for **HBs 1205**, **1214**, **1314**, **1320**, **1504**, **1788**, **1867** and **1969**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1789** and has taken up and passed **SCS** for **HB 1789**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 1712** and requests the Senate to recede from its position and failing to do so grant the House 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 **HCS** for **SCS** for **SB 1202** and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 1086** and **1126**: Senators Quick, Stoll, Childers, Klindt and Bentley.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 1202**: Senators Westfall, Russell, Cauthorn, Staples and Goode.

On motion of Senator Kenney, the Senate recessed until 1:40 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from NBC-41 were given permission to take pictures in the Senate Chamber today.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **HCR 18** was adopted by the following vote:

YEAS—Senators

Caskey	Foster	Gibbons	Goode

Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Quick	Staples—8

Absent with leave—Senator DePasco—1

Senator Rohrbach assumed the Chair.

Senator Foster moved that **HCR 25** be taken up for 3rd reading and final passage, which motion prevailed.

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Dougherty	Quick	Sims
Staples—5			

Absent with leave—Senator DePasco—1

The President declared the concurrent resolution passed.

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

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

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

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1713, regarding the Golden Anniversary of the establishment of STE Communications, Steelville, which was adopted.

Senator Steelman offered Senate Resolution No. 1714, regarding the Twenty-first Birthday of Sarah Itasca Hays Raymann Hearne, Springfield, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1715, regarding Jenna Rohr, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1716, regarding Aaron Baker, which was adopted.

Senator Johnson offered Senate Resolution No. 1717, regarding Paula Donnici, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1718, regarding J. Thomas "Tom" Lovell, Jr., Lee's Summit, which was adopted.

Senators Gross, Kennedy, Loudon and Goode offered the following resolution:

SENATE RESOLUTION NO. 1719

WHEREAS, the Lambert-St. Louis International Airport provides essential transportation to the citizens of the State of Missouri as well as to citizens from all over the globe; and

WHEREAS, the St. Louis Airport Authority was established to promote the general welfare and provide for safe and convenient air travel and transportation to and from the St. Louis regional area; and

WHEREAS, the study for regional control and ownership of Lambert-St. Louis International Airport warrants further investigation:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby establish the "Select Committee on the Regional Control of the Lambert-St. Louis International Airport" to be composed of seven members of the Senate with no fewer than two members whose districts represent the City of St. Louis, with no fewer than two members whose districts represent St. Louis County

and with the remaining senators to be selected with no more than two from any other county; and

BE IT FURTHER RESOLVED, the committee shall make an in-depth study of potential effects of the regional control or ownership of the Lambert-St. Louis International Airport and shall determine the benefits or detriments, including but not limited to:

(1) Financial ramifications for the City of St. Louis and the State of Missouri;

(2) Compensation of the current owners of the Lambert-St. Louis International Airport as a part of any transfer of ownership of the Lambert-St. Louis International Airport;

(3) Revenue sources and current operations of the Lambert-St. Louis International Airport Authority;

(4) Potential assumption of the bond indebtedness of the City of St. Louis for the ownership, operation and growth of Lambert-St. Louis International Airport;

(5) Issues involving employee compensation, including wages, pension plans and other benefit programs which may arise as a result of any transfer of ownership;

(6) Issues between the City of St. Louis and any new regional authority.

The committee shall make such recommendations as it deems necessary and shall be authorized to function from July 1, 2002, to December 31, 2002; and

BE IT FURTHER RESOLVED, that the President Pro Tem of the Senate shall appoint the members of the committee by July 1, 2002, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman; and

BE IT FURTHER RESOLVED, that the committee shall study and prepare a report, together with its recommendations for submission to the General Assembly by December 31, 2002; and

BE IT FURTHER RESOLVED, that the staff of Senate Research shall provide such legal, clerical, technical and bill drafting services as the committee may require in the performance of its duties. The expenses related to this committee shall be paid from the Senate contingency fund; and

BE IT FURTHER RESOLVED, that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 73**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 75**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **SS No. 2** for **SCS** for **HB 1446**; and **HCS** for **HB 1898** with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees be allowed to exceed the differences on **SCS** for **HCS** for **HBs 1101** through **SCS** for **HCS** for **HB 1112**, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1120**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Russell.

On motion of Senator Russell, **HCS** for **HB 1120** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Quick	Staples—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

HB 1121, with **SCS**, introduced by Representative Green (73), entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Russell.

SCS for **HB 1121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1121

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up.

Senator Russell moved that **SCS** for **HB 1121** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HB 1121** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick	Schneider—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Russell 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 Klarich moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1712**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1712**, as amended: Senators Klarich, Gibbons, Kenney, Caskey and Schneider.

HOUSE BILLS ON THIRD READING

HB 1600, introduced by Representative Treadway, entitled:

An Act to repeal section 318.100, RSMo, and to enact in lieu thereof one new section relating to licensing requirements.

Was taken up by Senator Mathewson.

Senator Mathewson offered **SS** for **HB 1600**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1600

An Act to repeal section 318.100, RSMo, and to enact in lieu thereof seven new sections relating to licensing requirements.

Senator Mathewson moved that **SS** for **HB 1600** be adopted.

Senator Stoll offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1600, Page 1, Section 318.100, Line 10 of said page, by inserting immediately after said line the following:

"324.400. As used in sections 324.400 to 324.439, the following terms mean:

(1) **[**"Council", the interior design council created in section 324.406;

(2)**]** "Department", the department of economic development;

[(3)**]** **(2)** "Division", the division of professional registration of the department of economic development;

[(4)**]** **(3)** "Registered commercial interior designer", a design professional who provides services including preparation of documents and specifications relative to nonload bearing interior construction, furniture, finishes, fixtures and equipment and who meets the criteria of education, experience and examination as provided in sections 324.400 to 324.439.

324.409. 1. To be a registered commercial interior designer, a person:

(1) Shall take and pass or have passed the examination administered by the National Council for Interior Design Qualification or an equivalent examination approved by the **[**council**]** **division**. In addition to proof of passage of the examination, the application shall provide substantial evidence to the **[**council**]** **division** that the applicant:

(a) Is a graduate of a five-year or four-year interior design program from an accredited institution and has completed at least two years of diversified and appropriate interior design experience; or

(b) Has completed at least three years of an interior design curriculum from an accredited institution and has completed at least three years of diversified and appropriate interior design experience; or

(c) Is a graduate of a two-year interior design program from an accredited institution and has completed at least four years of diversified and appropriate interior design experience;

(2) Within twenty-four months of August 28, 1998, a person may qualify for registration by providing substantial evidence to the **[**council**]** **division** that the applicant:

(a) Has passed the full examination administered by the National Council for Interior Design Qualification or an equivalent state examination approved by the **[**council**]** **division** and has a minimum of six years of interior design experience acceptable to the **[**council**]** **division**;

(b) Has passed or intends to take and pass within the next twelve months the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the **[**council**]** **division** and has provided satisfactory evidence of having used or been identified by the title, interior

designer, and has diversified and appropriate experience totaling a minimum of ten years; or

(c) Has taken and passed the building and barrier-free portion of the examination administered by the National Council for Interior Design Qualification or an equivalent state codes examination approved by the **[**council**] division**, and has passed the American Institute of Interior Designers accreditation examination; or

(3) May qualify who is currently registered pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and registered with the **[**council**] division**. Such applicant shall give authorization to the **[**council**] division** in order to verify current registration with sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture.

2. Verification of experience required pursuant to this section shall be based on a minimum of five client references, business or employment verification and five industry references, submitted to the **[**council**] division**.

3. The **[**council**] division** shall verify if an applicant has complied with the provisions of this section and has paid the required fees, then the **[**council**] division** shall recommend such applicant be registered as a registered commercial interior designer by the **[**council**] division**.

324.412. **[**1.**]** The division shall:

(1) Employ, within the limits of the appropriations for that purpose, such employees as are necessary to carry out the provisions of sections 324.400 to 324.439;

(2) Exercise all budgeting, purchasing, reporting and other related management functions**[**.

2. The council shall:

(1)**] (3)** Recommend prosecution for violations of sections 324.400 to 324.439 to the appropriate prosecuting or circuit attorney; **and**

[(2)**] (4)** Promulgate such rules and regulations as are necessary to administer the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.400 to 324.439, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

324.415. Applications for registration as a registered commercial interior designer shall be typewritten on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience, results of previous interior design certification, registration or licensing examinations, if any, and such other pertinent information as the **[**council**] division** may require, or architect's registration number and such other pertinent information as the **[**council**] division** may require. Each application shall contain a statement that is made under oath or affirmation and that the representations are true and correct to the best knowledge and belief of the person signing the application. The person shall be subject to the penalties for making a false affidavit or declaration and shall be accompanied by the required fee.

324.421. The **[**council**] division** shall register without examination, any interior designer certified, licensed or registered in another state or

territory of the United States or foreign country if the applicant has qualifications which are at least equivalent to the requirements for registration as a registered commercial interior designer in this state and such applicant pays the required fees.

324.424. 1. The **[**council**] division** shall set the amount of the fees authorized by sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 324.400 to 324.439. All fees required pursuant to sections 324.400 to 324.439 shall be paid to and collected by the division of professional registration and transmitted to the department of revenue for deposit in the state treasury to the credit of the "Interior Designer **[**Council**]** Fund", which is hereby created.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money 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 the biennium exceeds three times the amount of the appropriation to the **[**council**] division** for the preceding fiscal year. The amount, if any, in the fund which shall lapse is the amount in the fund which exceeds the appropriate multiple of the appropriations to the **[**council**] division** for the preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public that the person is a registered commercial interior designer in this state, unless such person is registered as a registered commercial interior designer by the **[**council**] division** and is in good standing pursuant to sections 324.400 to 324.439.

324.430. No person may use the designation registered commercial interior designer in Missouri, unless the **[**council**] division** has issued a current certificate of registration certifying that the person has been duly registered as a registered commercial interior designer in Missouri and unless such registration has been renewed or reinstated as provided in section 324.418.

324.436. 1. The **[**council**] division** may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The **[**council**] division** shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621, RSMo.

2. The **[**council**] division** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony, whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

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

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the

profession regulated by sections 324.400 to 324.439;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;

(7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a certificate of registration based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536, RSMo, and chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the **[**council**]** **division** shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.”; and

Further amend the title and enacting clause accordingly.

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

SA 1 was adopted by the following vote:

YEAS—Senators

Bland	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Mathewson	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators

Caskey	Loudon	Rohrbach—3

Absent—Senators

Bentley	Klindt	Quick	Singleton—4

Absent with leave—Senator DePasco—1

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1600, Page 1, Sections 324.1005, 324.1006, 324.1007, 324.1011, 324.1014, 324.1017, by striking all of said sections; and further amend title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 2** is out of order, as it is dilatory in nature.

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

SA 2 was again taken up.

Senator Cauthorn moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Coleman, Loudon and Gross.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Gibbons
Goode	Gross	Kenney	Loudon
Rohrbach	Russell	Schneider	Singleton
Steelman—13			

NAYS—Senators

Bentley	Bland	Dougherty	Jacob
Johnson	Kennedy	Kinder	Mathewson
Quick	Sims	Stoll	Wiggins
Yeckel—13			

Absent—Senators

Coleman	Foster	Klarich	Klindt
Staples	Westfall—6		

Absent with leave—Senators

DePasco	House—2

Senator Yeckel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 1600, Page 7, Section 324.1017, Line 28 of said page, by inserting after all of said line the following:

"326.256. 1. As used in this chapter, the following terms mean:

(1) "AICPA", the American Institute of Certified Public Accountants;

(2) "Attest", providing the following financial statement services:

(a) Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);

(b) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE);

(3) "Board", the Missouri state board of accountancy established pursuant to section 326.259 or its predecessor pursuant to prior law;

(4) "Certificate", a certificate issued pursuant to section 326.060 prior to August 28, 2001;

(5) "Certified public accountant" or "CPA", the holder of a certificate or license as defined in this section;

(6) "Certified public accountant firm", "CPA firm" or "firm", a sole proprietorship, a corporation, a partnership or any other form of organization issued a permit pursuant to section 326.289;

(7) "Client", a person or entity that agrees with a licensee or licensee's employer to receive any professional service;

(8) "Compilation", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is presented in the form of financial statements information that is the representation of management (owners) without undertaking to express any assurance on the statements;

(9) "License", a license issued pursuant to section 326.280, or a provisional license issued pursuant to section 326.283; or, in each case, an individual license or permit issued pursuant to corresponding provisions of prior law;

(10) "Licensee", the holder of a license as defined in this section;

(11) "Manager", a manager of a limited liability company;

(12) "Member", a member of a limited liability company;

(13) "NASBA", the National Association of State Boards of Accountancy;

(14) "Peer review", a study, appraisal or review of one or more aspects of the professional work of a licensee or certified public accountant firm that performs attest, review or compilation services, by licensees who are not affiliated either personally or through their certified public accountant firm being reviewed pursuant to the

Standards for Performing and Reporting on Peer Reviews promulgated by the AICPA or such other standard adopted by regulation of the board which meets or exceeds the AICPA standards;

(15) "Permit", a permit to practice as a certified public accountant firm issued pursuant to section 326.289 or corresponding provisions of prior law or pursuant to corresponding provisions of the laws of other states;

(16) "Professional", arising out of or related to the specialized knowledge or skills associated with certified public accountants;

(17) "Public **[**accountancy**] accounting**":

(a) Performing or offering to perform for an enterprise, client or potential client one or more services involving the use of accounting or auditing skills, or one or more management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters by a person, firm, limited liability company or professional corporation using the title "C.P.A." or "P.A." in signs, advertising, directory listing, business cards, letterheads or other public representations;

(b) Signing or affixing a name, with any wording indicating the person or entity has expert knowledge in accounting or auditing to any opinion or certificate attesting to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, rules, grants, loans and appropriations; or

(c) Offering to the public or to prospective clients to perform, or actually performing on behalf of clients, professional services that involve or require an audit or examination of financial records leading to the expression of a written attestation or opinion concerning these records;

(18) "Report", when used with reference to financial statements, means an opinion, report or other form of language that states or implies assurance as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the person or firm is an accountant or auditor, or from the language of the report itself. The term report includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing such language, or both, and includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence, or both;

(19) "Review", providing a service to be performed in accordance with Statements on Standards for Accounting and Review Services (SSARS) that is performing inquiry and analytical procedures that provide the accountant with a reasonable basis for expressing limited assurance that there are no material modifications that should be made to the statements for them to be in conformity with generally accepted accounting principles or, if applicable, with another comprehensive basis of accounting;

(20) "State", any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam; except that "this state" means the state of Missouri;

(21) "Substantial equivalency", a determination by the board of accountancy or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to or exceed the education, examination and experience requirements

contained in this chapter or that an individual certified public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements contained in this chapter;

(22) "Transmittal", any transmission of information in any form, including but not limited to any and all documents, records, minutes, computer files, disks or information.

2. The statements on standards specified in this section shall be adopted by reference by the board pursuant to rulemaking and shall be those developed for general application by the AICPA or other recognized national accountancy organization as prescribed by board rule.

326.271. 1. The board shall promulgate rules of procedure for governing the conduct of matters before the board.

2. The board shall promulgate rules of professional conduct for establishing and maintaining high standards of competence and integrity in the profession of public **[**accountancy**]** **accounting**.

3. In promulgating rules and regulations regarding the requirements of continuing education, the board:

(1) May use and rely upon guidelines and pronouncements of recognized educational and professional associations;

(2) May prescribe for content, duration and organization of courses;

(3) Shall consider applicant accessibility to continuing education as required by the board, and any impediments to the interstate practice of public **[**accountancy**]** **accounting** which may result from differences in requirements in states;

(4) May in its discretion relax or suspend continuing education requirements for instances of individual hardship;

(5) Shall not require the completion of more than one hundred twenty hours of continuing education or its equivalent in any three-year period, not more than one-third of which shall be required in any one year. The continuing education requirements must be capable of being fulfilled in programs or courses reasonably available to licensees within the state.

4. The board may require by rule licensees to submit any continuing education reporting as the board deems necessary.

5. 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. This chapter 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.

326.280. 1. A license shall be granted by the board to any person who meets the requirements of this chapter and who:

(1) Is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state;

(2) Has attained the age of twenty-one years;

(3) Is of good moral character;

(4) Either:

(a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate degree conferred by an accredited college or university recognized by the board, with a concentration in accounting or the substantial equivalent of a concentration in accounting as determined by the board; or

(b) Applied for the initial examination on or after June 30, 1999, and has at least one hundred fifty semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university recognized by the board, with the total educational program including an accounting concentration or equivalent as determined by board rule to be appropriate;

(5) Has passed an examination in accounting, auditing and such other related subjects as the board shall determine is appropriate; and

(6) Has had one year of experience. Experience shall be verified by a licensee and shall include any type of service or advice involving the use of accounting, attest, review, compilation, management advisory, financial advisory, tax or consulting skills including governmental accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning the verifying licensee's review of the applicant's experience.

2. The board **[**shall**] may** prescribe by rule the terms and conditions for reexaminations and fees to be paid for reexaminations.

3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of licenses.

4. Upon application, the board may issue a temporary license to an applicant pursuant to this subsection for a person who has made a prima facie showing that the applicant meets all of the requirements for a license and possesses the experience required. The temporary license shall be effective only until the board has had the opportunity to investigate the applicant's qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's application for a license has been granted or rejected. In no event shall a temporary license be in effect for more than twelve months after the date of issuance nor shall a temporary license be reissued to the same applicant. No fee shall be charged for a temporary license. The holder of a temporary license which has not expired, been suspended or revoked shall be deemed to be the holder of a license issued pursuant to this section until the temporary license expires, is terminated, suspended or revoked.

5. An applicant for an examination who meets the educational requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to meet those requirements within sixty days after the examination shall be eligible for examination if the applicant also meets the requirements of subdivisions (1), (2) and (3) of subsection 1 of this section. For an applicant admitted to examination on the reasonable expectation that the applicant will meet the educational requirements within sixty days, no license shall be issued nor credit for the examination or any part thereof given unless the educational requirement is in fact met within the sixty-day period.

326.283. 1. (1) An individual whose principal place of business is not in this state and has a valid designation to practice public **[**accountancy**] accounting** from any state which the board has determined by rule to be in substantial equivalence with the licensure requirements of sections 326.250 to 326.331, or if the individual's qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331, shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the privileges of licensees of this state, provided the individual shall notify the board of his or her intent to engage in the practice of accounting with a client within this state whether in person, by electronic or technological means, or any other

manner. The board by rule may require individuals to obtain a license.

(2) Any individual of another state exercising the privilege afforded pursuant to this section consents as a condition of the grant of this privilege to:

(a) The personal and subject matter jurisdiction and disciplinary authority of the board;

(b) Comply with this chapter and the board's rules; and

(c) The appointment of the state board which issued the individual's license as his or her agent upon whom process may be served in any action or proceeding by this board against the individual.

(3) Nothing in this section shall prohibit temporary practice in this state for professional business incidental to a CPA's regular practice outside this state. "Temporary practice" means that practice which is a continuation or extension of an engagement for a client located outside this state, which engagement began outside this state and extends into this state through common ownership, existence of a subsidiary, assets or other operations located within this state.

2. A licensee of this state offering or rendering services or using his or her certified public accountant title in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline for an act committed in the other state. Notwithstanding the provisions of section 326.274 to the contrary, the board may investigate any complaint made by the board of accountancy of another state.

326.286. 1. The board may grant or renew licenses to persons who make application and demonstrate that**[**:

(1)**]** their qualifications, including the qualifications prescribed by section 326.280, are in accordance with this section**[**; or

(2) They are eligible under the substantial equivalency standard pursuant to subsection 1 of section 326.283**]**.

2. Licenses shall be initially issued and renewed for periods of not more than three years and shall expire on the renewal date following issuance or renewal. Applications for licenses shall be made in such form, and in the case of applications for renewal, between such dates, as the board by rule shall specify. Application and renewal fees shall be determined by the board by rule.

3. With regard to applicants that do not qualify for reciprocity **[**under**] pursuant to subsection 1 of this section, or a provisional license through** the substantial equivalency standard set out in subsection 1 of section 326.283, the board may issue a license to an applicant upon a showing that:

(1) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;

(2) The applicant had four years of experience outside of this state of the type described in subdivision (6) of subsection 1 of section 326.280 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's license was based and within the ten years immediately preceding the application; and

(3) If the applicant's certificate, license or permit was issued more than four years prior to the application for issuance of a license pursuant to this section, the applicant has fulfilled the requirements of continuing professional education that would have been applicable pursuant to subsection 6 of this section.

4. As an alternative to the requirements of subsection 3 of this section, a certified public accountant licensed by another state who establishes a principal place of business in this state shall request the issuance of a license from the

board prior to establishing the principal place of business. The board may issue a license to the person who obtains verification from the NASBA National Qualification Appraisal Service that the individual's qualifications are substantially equivalent to the licensure requirements of sections 326.250 to 326.331.

5. An application pursuant to this section may be made through the NASBA Qualification Appraisal Service.

6. For renewal of a license pursuant to this section, each licensee shall participate in a program of learning designed to maintain professional competency. The program of learning shall comply with rules adopted by the board. The board may create by rule an exception to such requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted an exception by the board shall place the word "inactive" adjacent to their certified public accountant title on any business card, letterhead or any other document or device, except their certified public accountant certificate, on which their certified public accountant title appears.

7. Applicants for initial issuance or renewal of licenses pursuant to this section shall list all states in which they have applied for or hold certificates, licenses or permits and list any past denial, revocation or suspension or any discipline of a certificate, license or permit. Each holder of or applicant for a license shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation or suspension or any discipline of a certificate, license or permit by another state.

8. The board may issue a license to a holder of a substantially equivalent foreign designation, provided that:

(1) The foreign authority which granted the designation makes similar provisions to allow a person who holds a valid license issued by this state to obtain such foreign authority's comparable designation; and

(2) The foreign designation:

(a) Was duly issued by a foreign authority that regulates the practice of public **[**accountancy**]** **accounting** and the foreign designation has not expired or been revoked or suspended;

(b) Entitles the holder to issue reports upon financial statements; and

(c) Was issued upon the basis of educational, examination and experience requirements established by the foreign authority or by law; and

(3) The applicant:

(a) Received the designation based on educational and examination standards substantially equivalent to those in effect in this state at the time the foreign designation was granted;

(b) Completed an experience requirement substantially equivalent to the requirement set out in subdivision (6) of subsection 1 of section 326.280 in the jurisdiction which granted the foreign designation or has completed four years of professional experience in this state, or meets equivalent requirements prescribed by the board by rule within the ten years immediately preceding the application; and

(c) Passed a uniform qualifying examination in national standards and an examination on the laws, regulations and code of ethical conduct in effect in this state acceptable to the board.

9. An applicant pursuant to subsection 8 of this section shall list all jurisdictions, foreign and domestic, in which the applicant has applied for or

holds a designation to practice public **[**accountancy**]** **accounting**. Each holder of a license issued pursuant to this subsection shall notify the board in writing within thirty days after its occurrence of any issuance, denial, revocation, suspension or any discipline of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

10. The board has the sole authority to interpret the application of the provisions of subsections 8 and 9 of this section.

[11. The board shall require by rule as a condition for renewal of a license by any licensee who performs review or compilation services for the public other than through a certified public accountant firm that the individual undergo, no more frequently than once every three years, a peer review conducted in a manner as the board by rule shall specify, and the review shall include verification that the individual has met the competency requirements set out in professional standards for such services.**]**

326.289. 1. The board may grant or renew permits to practice as a certified public accounting firm to entities that make application and demonstrate their qualifications in accordance with this section or to certified public accounting firms originally licensed in another state that establish an office in this state. A firm shall hold a permit issued pursuant to this section to provide attest, review or compilation services or to use the title certified public accountant or certified public accounting firm.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice pursuant to this section shall be required to show that:

(1) Notwithstanding any other provision of law to the contrary, a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees pursuant to section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees, provided that:

(a) The firm designates a licensee of this state who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee**, initially licensed on or after August 28, 2001,** who is responsible for supervising attest**[**, review or compilation**]** services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required pursuant to subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee**;**

(4) Any licensee who is responsible for supervising review services or signs or authorizes someone to sign review reports shall meet the competency requirements as determined by board by rule which shall include experience in review services.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest, review and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit pursuant to this chapter shall use a professional or firm name or designation that is misleading as to:

(1) The legal form of the firm;

(2) The persons who are partners, officers, members, managers or shareholders of the firm; or

(3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name **or initials** of an individual who is **not** a present or a past partner, member or shareholder of the firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit pursuant to this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest, review and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

(1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required pursuant to this subsection;

(2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms

that have participated in a peer review program that is satisfactory to the board; and

(3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. Prior to January 1, 2008, licensees who perform fewer than three attest services during each calendar year shall be exempt from the requirements of subsection 9 of this section.

11. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.

12. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

13. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection 12 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings pursuant to subdivision (1) of section 610.021, RSMo. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

326.292. 1. Only licensees may issue a report on financial statements of any person, firm, organization or governmental unit or offer to render or render any attest service. Such restriction shall not prohibit any act of a public official or public employee in the performance of the person's duties as such; nor prohibit the performance by any nonlicensee of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services and the preparation of nonattest financial statements. Nonlicensees may prepare financial statements and issue nonattest transmittals or information thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

2. Only certified public accountants shall use or assume the title certified public accountant, or the abbreviation CPA or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a

certified public accountant. Nothing in this section shall prohibit:

(1) A certified public accountant whose certificate was in full force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who does not engage in the practice of public accounting, auditing, bookkeeping or any similar occupation, from using the title certified public accountant or abbreviation CPA;

(2) A person who holds a certificate, then in force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is regularly employed by or is a director or officer of a corporation, partnership, association or business trust, in his or her capacity as such, from signing, delivering or issuing any financial, accounting or related statement, or report thereon relating to such corporation, partnership, association or business trust provided the capacity is so designated, and provided in the signature line the title CPA or certified public accountant is not designated.

3. No firm shall provide attest services or assume or use the title certified public accountants or the abbreviation CPAs, or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is a certified public accounting firm unless:

(1) The firm holds a valid permit issued pursuant to section 326.289; and

(2) Ownership of the firm is in accord with section 326.289 and rules promulgated by the board.

4. Only persons holding a valid license or permit issued pursuant to section 326.280 or 326.289 shall assume or use the title certified accountant, chartered accountant, enrolled accountant, licensed accountant, registered accountant, accredited accountant or any other title or designation likely to be confused with the titles certified public accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or similar abbreviation likely to be confused with the abbreviation CPA or PA. The title enrolled agent or EA shall only be used by individuals so designated by the Internal Revenue Service. Nothing in this section shall prohibit the use or issuance of a title for nonattest services provided that the organization and the title issued by the organization existed prior to August 28, 2001.

5. (1) Nonlicensees shall not use language in any statement relating to the financial affairs of a person or entity that is conventionally used by certified public accountants in reports on financial statements. Nonlicensees may use the following safe harbor language:

(a) For compilations:

"I (We) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of a financial statement information that is the representation of management (owners). I (We) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.";

(b) For reviews:

"I (We) reviewed the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. These financial statements (information) are (is) the responsibility of the company's management. I (We) have not audited the accompanying financial statements and accordingly do not express an opinion or any other form of assurance on them.".

(2) Only persons or firms holding a valid license or permit issued pursuant to section 326.280 or 326.289 shall assume or use any title or designation that includes the words accountant or accounting in connection with any other language, including the language of a report, that implies that the person or firm holds a license or permit or has special competence as an accountant or auditor; provided, however, that this subsection shall not

prohibit any officer, partner, principal, member, manager or employee of any firm or organization from affixing such person's own signature to any statement in reference to the financial affairs of the firm or organization with any wording designating the position, title or office that the person holds therein nor prohibit any act of a public official or employee in the performance of the person's duties as such. Nothing in this subsection shall prohibit the singular use of "accountant" or "accounting" for nonattest purposes.

6. Licensees **signing or authorizing someone to sign reports on financial statements when** performing attest, review or compilation services shall provide those services in accordance with professional standards as determined by the board by rule.

7. No licensee or holder of a provisional license or firm holding a permit pursuant to sections 326.280 to 326.289 shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons who are partners, principals, officers, members, managers or shareholders of the firm, or about any other matter.

8. None of the foregoing provisions of this section shall apply to a person or firm holding a certification, designation, degree or license granted in a foreign country entitling the holder to engage in the practice of public **[**accountancy**]** **accounting** or its equivalent in the country whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds the entitlement, who performs no attest, review or compilation services and who issues no reports with respect to the financial statements of any other persons, firms or governmental units in this state, and who does not use in this state any title or designation other than the one under which the person practices in such country, followed by a translation of such title or designation into the English language, if it is in a different language, and by the name of such country.

9. No licensee whose license is issued pursuant to section 326.280 or issued pursuant to prior law shall perform attest services through any certified public accounting firm that does not hold a valid permit issued pursuant to section 326.289.

10. **[**No individual licensee shall issue a report in standard form upon a compilation or review of financial information through any form of business that does not hold a valid permit issued pursuant to section 326.289 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

(1) Signs the compilation or review report identifying the individual as a licensee;

(2) Meets the competency requirement provided in applicable standards; and

(3) Undergoes, no less frequently than once every three years, a peer review conducted in a manner as the board by rule shall specify, and the review shall include verification that the individual has met the competency requirements set out in professional standards for such services.

11.**]** Nothing herein shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law.

[12.**]** **11.** Nothing herein shall prohibit any trustee, executor, administrator, referee or commissioner from signing and certifying financial reports incident to his or her duties in that capacity.

[13.**]** **12.** Nothing herein shall prohibit any director or officer of a corporation, partner or a partnership, sole proprietor of a business enterprise, member of a joint venture, member of a committee appointed by stockholders, creditors or courts, or an employee of any of the foregoing, in his or her capacity as such, from signing,

delivering or issuing any financial, accounting or related statement, or report thereon, relating to the corporation, partnership, business enterprise, joint venture or committee, provided the capacity is designated on the statement or report.

[14.**]** **13.** (1) A licensee shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee also performs for that client:

(a) An audit or review of a financial statement; or

(b) A compilation of a financial statement when the licensee expects, or reasonably may expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

(c) An examination of prospective financial information.

Such prohibition applies during the period in which the licensee is engaged to perform any of the services listed above and the period covered by any historical financial statements involved in such listed services.

(2) A licensee who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose in writing that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

(3) Any licensee who accepts a referral fee for recommending or referring any service of a licensee to any person or entity or who pays a referral fee to obtain a client shall disclose in writing the acceptance or payment to the client.

[15.**]** **14.** (1) A licensee shall not:

(a) Perform for a contingent fee any professional services for, or receive a fee from, a client for whom the licensee or the licensees's firm performs:

a. An audit or review of a financial statement; or

b. A compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or

c. An examination of prospective financial information; **[**or**]**

(b) Prepare an original **[**or amended**]** tax return or claim for a tax refund for a contingent fee for any client**; or**

(c) Prepare an amended tax return or claim for a tax refund for a contingent fee for any client, unless permitted by board rule.

(2) The prohibition in subdivision (1) of this subsection applies during the period in which the licensee is engaged to perform any of those services and the period covered by any historical financial statements involved in any services.

(3) A contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A licensee's fees may vary depending, for example, on the complexity of services rendered.

[16.**]** **15.** Any person who violates any provision of subsections 1 to 5 of this section shall be guilty of a class A misdemeanor. Whenever the board has reason to believe that any person has violated this section it may certify the facts to the

attorney general of this state or bring other appropriate proceedings."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

At the request of Senator Mathewson, **HB 1600**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

HB 2008, with **SCS**, introduced by Representative O'Connor, entitled:

An Act to repeal section 301.550, RSMo, and to enact in lieu thereof one new section relating to powersport dealers.

Was taken up by Senator Kenney.

SCS for **HB 2008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2008

An Act to repeal sections 301.550, 301.610, 301.620, 301.640, 301.660, 301.661, 306.405, 306.410, 306.420, 306.430, 306.440, 454.516, 700.355, 700.360, 700.370, 700.380 and 700.390, RSMo, and to enact in lieu thereof fifteen new sections relating to motor vehicle dealers, with penalty provisions.

Was taken up.

Senator Kenney moved that **SCS** for **HB 2008** be adopted.

Senator Kenney offered **SS** for **SCS** for **HB 2008**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2008

An Act to repeal sections 301.550, 301.560, 301.600, 301.610, 301.620, 301.630, 301.640, 301.660, 301.661, 306.400, 306.405, 306.410, 306.420, 306.430, 306.440, 365.070, 365.120, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893, 454.516, 700.350, 700.355, 700.360, 700.365, 700.370, 700.380 and 700.390, RSMo, and to enact in lieu thereof twenty-seven new sections relating to motor vehicle dealers, with penalty provisions.

Senator Kenney moved that **SS** for **SCS** for **HB 2008** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 44, Section 407.870, Line 8, by inserting after all of said line the following:

"**430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:**

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

"**[**430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

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institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.**]**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

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

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 1, Section A, Line 11, by inserting after all of said line the following:

"301.144. 1. The director of revenue shall establish and issue special personalized license plates containing letters or numbers or combinations of letters and numbers, not to exceed six characters in length. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Any person desiring to obtain a special personalized license plate for any motor vehicle other than a commercial motor vehicle licensed for more than twelve thousand pounds shall apply to the director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in addition to the regular registration fees. The director of revenue shall issue rules and regulations setting the standards and establishing the procedure for application for and issuance of the special personalized license plates and shall provide a deadline each year for the applications. 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. No two owners shall be issued identical plates. An owner shall make a new application and pay a new fee each year such owner desires to obtain or retain special personalized license plates; however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized license plates to be

replaced with new plates every three years without any additional charge, above the fee established in this section, to the renewal applicant. Any person currently in possession of an approved personalized license plate shall have first priority on that particular plate for each of the following years that timely and appropriate application is made.

2. No personalized license plates shall be issued containing any letters, numbers or combination of letters and numbers which are obscene, profane, **[**inflammatory or contrary to public policy**]** **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found**. The director may recall any personalized license plates, including those issued prior to August 28, 1992, if the director determines that the plates are obscene, profane, **[**inflammatory or contrary to public policy**]** **patently offensive or contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present an unreasonable danger to the health or safety of the applicant, of other users of streets and highways, or of the public in any location where the vehicle with such a plate may be found**. Where the director recalls such plates pursuant to the provisions of this subsection, the director shall reissue personalized license plates to the owner of the motor vehicle for which they were issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the standards established pursuant to this section. **The director shall not apply the provisions of this statute in a way that violates the Missouri or United States constitutions as interpreted by the courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license plate creates a designated or limited public forum.** Nothing contained in this subsection shall be interpreted to prohibit the use of license plates, which are no longer valid for registration purposes, as collector's items or for decorative purposes.

3. The director may also establish categories of special license plates from which license plates may be issued. Any such person, other than a person exempted from the additional fee pursuant to subsection 6 of this section, that desires a personalized special license plate from any such category shall pay the same additional fee and make the same kind of application as that required by subsection 1 of this section, and the director shall issue such plates in the same manner as other personalized special license plates are issued.

4. The director of revenue shall issue to residents of the state of Missouri who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application and upon payment of the additional fee specified in subsection 1 of this section, except for a person exempted from the additional fee pursuant to subsection 6 of this section, personalized special license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission to the applicant. The application shall be accompanied by an affidavit stating that the applicant has an unrevoked and unexpired amateur radio license issued by the Federal Communications Commission and the official radio call letters assigned by the Federal Communications Commission to the applicant.

5. Notwithstanding any other provision to the contrary, any business that repossesses motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard displaying the word “Repossessed”, provided such business pays the fees presently required of a manufacturer, distributor, or dealer in subsection 1 of section 301.253. Such placard shall bear a number and shall be in such form as the director of revenue

shall determine, and shall be only used for demonstrations when displayed substantially as provided for number plates on the rear of the motor vehicle or trailer.

6. Notwithstanding any provision of law to the contrary, any person who has retired from any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision of any such services shall be exempt from the additional fee required for personalized license plates issued pursuant to section 301.441. As used in this subsection, "retired" means having served twenty or more years in the appropriate branch of service and having received an honorable discharge."; and

Further amend the title and enacting clause accordingly.

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

Senator Childers assumed the Chair.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 2008, Page 57, Section 700.380, Line 5, by adding at the end thereof:

"2. Exported automobiles dated prior to 1960 shall not be subject to the titling provisions of this act, if exported from a country subject to federal law date 1912 or 1961.".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 3** was withdrawn.

Senator Kenney moved that **SS** for **SCS** for **HB 2008**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HB 2008**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins—27	

NAYS—Senator Rohrbach—1

Absent—Senators

Gibbons	Jacob	Staples	Yeckel—4

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

HS for **HCS** for **HB 1532**, with **SCS**, entitled:

An Act to repeal section 537.053, RSMo, and to enact in lieu thereof one new section relating to consumption of intoxicating beverage as proximate cause of injury in tort actions.

Was taken up by Senator Gross.

SCS for **HS** for **HCS** for **HB 1532**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1532

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **HS** for **HCS** for **HB 1532** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1532, Page 2, Section 537.053, Line 21, by striking the word "knowingly served" and substitute "knew or should have known that" and insert after "intoxicating liquor" the words "was served".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SA 1** was withdrawn.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1532, Page 2, Section 537.053, Line 25, by striking the words: "knowingly served intoxicating liquor".

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

Senator Gross moved that **SCS** for **HS** for **HCS** for **HB 1532** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Gross, **SCS** for **HS** for **HCS** for **HB 1532** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senator Schneider—1

Absent—Senators

Coleman	Jacob	Russell	Staples—4

Absent with leave—Senators

DePasco	House—2

The President declared the bill passed.

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

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

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

HB 1348, with **SCS**, introduced by Representative Myers, et al, entitled:

An Act to repeal section 263.531, RSMo, and to enact in lieu thereof one new section relating to boll weevil eradication.

Was taken up by Senator Foster.

SCS for **HB 1348**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 261.110, 261.230, 261.235, 261.239, 263.531, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Foster moved that **SCS** for **HB 1348** be adopted.

Senator Foster offered **SS** for **SCS** for **HB 1348**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1348

An Act to repeal sections 142.028, 254.020, 254.040, 261.110, 261.230, 261.235, 261.239, 263.531, 270.170, 275.464, 311.554, 348.430, 348.432, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892, 407.893 and 414.032, RSMo, relating to agriculture, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions and a severability clause.

Senator Foster moved that **SS** for **SCS** for **HB 1348** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 32, Section 414.043, Line 7, by inserting immediately after said line the following:

"**701.381. The provisions of sections 701.350 to 701.380, RSMo, shall not apply to any device that is inaccessible to the public, not used to transport passengers and was built before January 1, 1940.**"; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 32, Section 1, Line 16 of said page, by inserting after the word "fund" the following:

"**or the county stock insurance fund**".

Senator Cauthorn moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1348, Page 22, Section 348.430, Line 17-18, by striking the following: "or estimated quarterly tax"; and

Further amend said bill, Page 26, Section 348.432, Line 11, by striking the following: "or estimated quarterly tax"; and further amend lines 18-19, by striking the following: "or estimated quarterly tax"; and further amend lines 23-26, by striking "tax credits" on line 23 and striking all of lines 24-26.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Gross assumed the Chair.

Senator Goode raised the point of order that **SS** and **SCS** are out of order, as they both exceed the scope and purpose of the original **HB 1348**.

The point of order was referred to the President Pro Tem, who took the point of order under advisement, which placed **HB 1348**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending) on the Informal Calendar.

HB 1270, introduced by Representative Gratz, and **HB 2032**, introduced by Representative Hosmer, with **SCS**, entitled respectively:

An Act to repeal section 304.200, RSMo, and to enact in lieu thereof one new section relating to motor vehicles.

An Act to repeal section 302.321, RSMo, and to enact in lieu thereof one new section relating to driving while revoked.

Were called from the Informal Calendar and taken up by Senator Westfall.

SCS for **HB 1270** and **HB 2032**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1270 AND
HOUSE BILL NO. 2032

An Act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125,

300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.200, 304.351, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1270** and **HB 2032** be adopted.

Senator Westfall offered **SS** for **SCS** for **HB 1270** and **HB 2032**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1270
AND
HOUSE BILL NO. 2032

An Act to repeal sections 61.021, 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.137, 302.321, 302.720, 304.001, 304.022, 304.027, 304.200, 575.010 and 575.150, RSMo, relating to motor vehicles, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 37, Section 575.150, Line 19, by inserting immediately after "felony" the following: "**. Resisting an arrest by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony**".

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 17, Section 302.321, Line 4 of said page, by inserting after the word "writing" the following: "**, and where the prior three driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses;**"; and further amend line 9 of said page, by inserting after the word "writing" the following: "**, and where the prior two driving while revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses**".

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

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 31, Section 304.200, Line 18, by inserting after all of said line the following:

"**304.282. 1. Wherever used in this section the following terms mean:**

(1) "Automated traffic control enforcement system", a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) "Owner", the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Ten cities designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city shall limit the use of an automated traffic control signal enforcement system to no more than three intersections within the city's jurisdictional limits.

3. Any city adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the violation through court appearance or payment of the fine and costs.

6. Any city that establishes a traffic control signal enforcement pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped

with an automated traffic control signal enforcement system.

8. Any city that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city described in subsection 2 of this section, the department of transportation shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2007."; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 4, Section 37.452, Line 4, by inserting after all of said line the following:

"**71.203. 1. No city not within a county or board or commission located in the city shall require any person applying for or holding a position of peace officer, as defined in section 590.010, RSMo, to reside within the city as a condition of employment.**

2. No city not within a county or board or commission located in the city shall discriminate in any manner against any person applying for or holding a position of peace officer because of such person's residency outside of the city's boundaries, except that the city may provide incentives, such as housing supplements or vehicle use guidelines, to encourage peace officers to locate within the city.

3. Any city not with a county or board or commission located in the city may require a peace officer to live within the state of Missouri.

4. This section shall apply only to any city not within a county or any board or commission located in the city."; and

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

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

Senator Foster offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, Page 19, Section 302.720, Line 7 of said page, by striking the word "director" and inserting in lieu thereof the following:

"**superintendent**"; and further amend said section, line 8, of said page, by striking the words "five-dollar" and inserting in lieu thereof the following: "**twenty-five dollar**"; and

Further amend said section, page 20, line 9, of said page, by striking "five-dollar" and inserting in lieu thereof the following: "**twenty-five dollar**"; and further amend said line by striking the words "for each test taken" and inserting in lieu thereof "**upon completion of such tests**"; and further amend said page, line 10, by striking the following: "The director may waive the driving test for a commercial"; and further amend said page, lines 11-29, by striking all of said lines; and

Further amend said bill and section, page 21, lines 1-13, of said page, by striking all of said lines; and further amend line 14 of said page, by striking the following: "6."; and

Further amend said bill and section, page 21, line 22, of said page, by inserting immediately after said line the following:

"**302.721. 1. There is hereby created in the state treasury the "Commercial Driver License Examination Fund". The fund shall be administered by the department of revenue. Such moneys collected pursuant to subdivisions (1) and (3) of subsection 2 of section 302.720, shall be appropriated to the commercial driver license examination fund after the deposit and distribution pursuant to subsection 2 of section 30(b) of article IV of the Missouri Constitution. Such moneys shall not be counted towards the spending limitations imposed pursuant to subsection 3 of section 226.200, RSMo. Any unexpended balance in the fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.**

2. There shall be created a "Third-Party Commercial Driver License Examination Program" within the department of revenue. The purpose of this program is to certify third-party commercial driver license examination programs and administer compliance requirements of third-party commercial driver license examination programs in the state of Missouri.

3. The director of revenue may annually expend revenues from the commercial driver license fund for administrative costs associated with initial certification and subsequent renewal certification requirements associated with third-party commercial driver license examination programs and determining compliance of all regulations which are required to be adhered to by third-party commercial driver license examination programs in the state of Missouri. Such annual expenditures shall also include any expenses incurred by the superintendent of the highway patrol for functions related to the testing, auditing, retesting and compliance of commercial driver license third-party examination programs and the administration of the state CDL testing program.

(1) The director of revenue shall promulgate rules and regulations necessary to administer the certification and compliance programs established pursuant to this section. Any rule promulgated regarding commercial driver license third-party examination certification or compliance shall be promulgated in coordination with the superintendent of the highway patrol.

(2) Any rule promulgated by the director of revenue and the superintendent of the highway patrol regarding compliance requirements for third-party commercial driver license examination programs shall require the superintendent to reexamine a minimum of ten percent of those drivers who have passed the CDL skills examination administered by a certified third-party commercial driver license examination program in the state of Missouri.

4. 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, 2002, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be adopted, which motion prevailed.

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be read the 3rd time and finally passed and was recognized to close.

At the request of Senator Westfall, **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, 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 **SCS** for **SB 810**, entitled:

An Act to repeal sections 660.100, 660.105, 660.110, 660.115, 660.120, 660.122, 660.135, 660.136, and 660.285, RSMo, and to enact in lieu thereof ten new sections relating to supplemental assistance payments for the elderly and disabled.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year**.

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri.

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis] and distributed to each area agency on aging throughout the state of Missouri **based on the actual number of meals served in each area during the previous fiscal year**."; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, Page 4, Section 660.115.1, Line 18, by deleting the period at the end of Line 18 and adding the following:

"**; provided that the respective shares of overall funding previously received by primary and secondary heating and cooling source suppliers on behalf of their customers shall be substantially maintained.**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810 by inserting in the appropriate location the following:

"470.270. After the owner, his **or her** assignee, personal representative, grantee, heirs, devisees or other successors, entitled to any moneys, refund of rates or premiums or effects by reason of any litigation concerning rates, refunds, refund of premiums, fares or charges collected by any person or corporation in the state of Missouri for any service rendered or to be rendered in said state, or for any contract of insurance on property in this state, or under any contract of insurance performed or to be performed in said state, which moneys, refund of rates or premiums or effects have been paid into or deposited in connection with any cause in any court of the state of Missouri or in connection with any cause in any United States court, or so paid into the custody of any depositary, clerk, custodian, or other officer of such court, whether the same be afterwards transferred and deposited in the United States treasury or not, shall be and remain unknown, or the whereabouts of such person or persons shall be and has been unknown, for the period heretofore, or hereafter, of five successive years, or such moneys, refund of rates or premiums or effects remain unclaimed for the period heretofore, or hereafter, of five successive years, from the time such moneys or property are ordered repaid or distributed by such courts, such moneys or property shall be escheatable to the state of Missouri, and may be escheated to the state of Missouri in the manner herein provided, with all interest and earnings actually accrued thereon to the date of the judgment and decree for the escheat of the same**; except that all refunds of rates generated by the refund of natural gas or electric rates shall be transferred to the utilicare stabilization fund created pursuant to section 660.136, RSMo, with the exception of lawsuits in which the state of Missouri is a party, if the moneys that result from a refund of rates remains unclaimed after five years from the date when such rates are ordered repaid, with all interest from such refunded rates that is earned from the date such rates are ordered repaid to escheat to the state as otherwise provided in sections 470.270 to 470.350**. The provisions of this section notwithstanding, this state may elect to take custody of such unclaimed property by instituting a proceeding pursuant to section 447.575, RSMo."; and

Further amend said bill, section 660.136, page 7, line 17 by inserting after the word "**fund.**" on said line the following:

"**Except as provided in subsection 3,**"; and

Further amend said bill, section 660.136, page 8, line 18 by inserting after all of said line the following:

"**3. When the utilicare stabilization fund receives a transfer pursuant to section 470.270, RSMo, the moneys from that transfer shall be held in the fund for one full year after the date of transfer and shall be used to pay for heating or cooling assistance as provided in sections 660.100 to 660.136. Any moneys remaining at the end of that year shall be deposited in the state treasury to the credit of the general revenue fund of the state.**"; 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. 810, by inserting in the appropriate location the following:

"8.231. 1. For purposes of this section, the following terms shall mean:

(1) "Energy cost savings measure", a training program or facility alteration designed to reduce energy consumption or operating costs, and may include one or more of the following:

(a) Insulation of the building structure or systems within the building;

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing reductions in glass area, or other window and door system modifications that reduce energy consumption;

(c) Automated or computerized energy control system;

(d) Heating, ventilating or air conditioning system modifications or replacements;

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made;

(f) Indoor air quality improvements to increase air quality that conforms to the applicable state or local building code requirements;

(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Any life safety measures **related to compliance with the Americans With Disabilities Act, 42 U.S.C. Section 12101, et seq.,** that provide long-term operating cost reductions and are in compliance with state and local codes; or

(j) Building operation programs that reduce the operating costs;

(2) "Governmental unit", a state government agency, department, institution, college, university, technical school, legislative body or other establishment or official of the executive, judicial or legislative branches of this state authorized by law to enter into contracts, including all local political subdivisions such as counties, municipalities, public school districts or public service or special purpose districts;

(3) "Guaranteed energy cost savings contract", a contract for the implementation of one or more such measures. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and the energy cost savings are guaranteed to the extent necessary to make payments for the systems. Guaranteed energy cost savings contracts shall be considered public works contracts to the extent that they provide for capital improvements to existing facilities;

(4) "Operational savings", expenses eliminated and future replacement expenditures avoided as a result of new equipment installed or services performed;

(5) "Qualified provider", a person or business experienced in the design, implementation and installation of energy cost savings measures;

(6) "Request for proposals" or "RFP", a negotiated procurement.

2. No governmental unit shall enter into a guaranteed energy cost savings contract until competitive proposals therefor have been solicited

by the means most likely to reach those contractors interested in offering the required services, including but not limited to direct mail solicitation, electronic mail and public announcement on bulletin boards, physical or electronic. The request for proposal shall include the following:

(1) The name and address of the governmental unit;

(2) The name, address, title and phone number of a contact person;

(3) The date, time and place where proposals shall be received;

(4) The evaluation criteria for assessing the proposals; and

(5) Any other stipulations and clarifications the governmental unit may require.

3. The governmental unit shall award a contract to the qualified provider that provides the lowest and best proposal which meets the needs of the unit if it finds that the amount it would spend on the energy cost savings measures recommended in the proposal would not exceed the amount of energy or operational savings, or both, within a ten-year period from the date installation is complete, if the recommendations in the proposal are followed.

The governmental unit shall have the right to reject any and all bids.

4. The guaranteed energy cost savings contract shall include a written guarantee of the qualified provider that either the energy or operational cost savings, or both, will meet or exceed the costs of the energy cost savings measures, adjusted for inflation, within ten years. The qualified provider shall reimburse the governmental unit for any shortfall of guaranteed energy cost savings on an annual basis. The guaranteed energy cost savings contract may provide for payments over a period of time, not to exceed ten years, subject to appropriation of funds therefor.

5. The governmental unit shall include in its annual budget and appropriations measures for each fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

6. A governmental unit may use designated funds for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

7. Notwithstanding any provision of this section to the contrary, a not-for-profit corporation incorporated pursuant to chapter 355, RSMo, and operating primarily for educational purposes in cooperation with public or private schools shall be exempt from the provisions of this section."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 810, by inserting in the appropriate location the following:

"**8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the division of design and construction is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:**

(1) The specialized experience and technical competence of the firm or team with respect to the type of services required;

(2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project; and

(3) The past record of performance of the firm or team with respect to such factors as

control of costs, quality of work and ability to meet schedules.

2. Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.

3. The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.

4. The division of design and construction is authorized to use this procurement process for eight projects.

640.651. As used in sections 640.651 to 640.686, the following terms mean:

(1) "Applicant", any school, hospital, small business, local government or other energy-using sector or entity authorized by the department through administrative rule, which submits an application for loans on financial assistance to the department;

(2) "Application cycle", the period of time each year, as determined by the department, that the department shall accept and receive applications seeking loans or financial assistance under the provisions of sections 640.651 to 640.686;

(3) "Authority", the environmental improvement and energy resources authority;

(4) "Borrower", a recipient of loan or other financial assistance program funds subsequent to the execution of loan or financial assistance documents with the department or other applicable parties provided that a building owned by the state or an agency thereof**, other than a state college or state university,** shall not be eligible for loans or financial assistance pursuant to sections 640.651 to 640.686;

(5) "Building", including initial installation in a new building, any applicant-owned and -operated structure, group of closely situated structural units that are centrally metered or served by a central utility plant, or an eligible portion thereof, which includes a heating or cooling system, or both;

(6) "Department", the department of natural resources;

(7) "Energy conservation loan account", an account to be established on the books of a borrower for purposes of tracking information related to the receipt or expenditure of the loan funds or financial assistance, and to be used to receive and remit energy cost savings for purposes of making payments on the loan or financial assistance;

(8) "Energy conservation measure" or "ECM", an installation or modification of an installation in a building or replacement or modification to an energy-consuming process or system which is primarily intended to maintain or reduce energy consumption and reduce energy costs, or allow the use of an alternative or renewable energy source;

(9) "Energy conservation project" or "project", the design, acquisition, installation, and implementation of one or more energy conservation measures;

(10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is estimated to accrue from energy savings or avoided costs due to implementation of an energy conservation project;

(11) "Estimated simple payback", the estimated cost of a project divided by the estimated energy cost savings;

(12) "Fund", the energy set-aside program fund established in section 640.665;

(13) "Hospital", a facility as defined in subsection 2 of section 197.020, RSMo, including any medical treatment or related facility controlled by a hospital board;

(14) "Hospital board", the board of directors having general control of the property and affairs of the hospital facility;

(15) "Loan agreement", a document agreed to by the borrower's school, hospital or corporate board, principals of a business, the governing body of a local government or other authorized officials and the department or other applicable parties and signed by the authorized official thereof, that details all terms and requirements under which the loan is issued or other financial assistance granted, and describes the terms under which the loan or financial assistance repayment shall be made;

(16) "Payback score", a numeric value derived from the review of an application, calculated as prescribed by the department, which may include an estimated simple payback or life-cycle costing method of economic analysis and used solely for purposes of ranking applications for the selection of loan and financial assistance recipients within the balance of program funds available;

(17) "Project cost", all costs determined by the department to be directly related to the implementation of an energy conservation project, and, for initial installation in a new building, shall include the incremental cost of a high-efficiency system;

(18) ["Repayment period", unless otherwise negotiated as required under section 640.660, the period in years required to repay a loan or financial assistance as determined by the projects' estimated simple payback or life-cycle costing analysis, and rounded to the next year in cases where the estimated simple payback or life-cycle costing analysis is in a fraction of a year;

(19)] "School", an institution operated by a **state college or state university,** public agency, political subdivision or a public or private nonprofit organization tax exempt under section 501(c)(3) of the Internal Revenue Code which:

(a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(b) Provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; is accredited by a nationally recognized accrediting agency or association; and provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program; or

(c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation; provides and is legally authorized to provide a program of education beyond secondary education, on a day or residential basis; admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting agency or association;

[(20)] **(19)** "School board", the board of education having general control of the property and affairs of any school as defined in this section;

[(21)] **(20)** "Technical assistance report", a specialized engineering report that identifies and specifies the quantity of energy savings and related energy cost savings that are likely to result from the implementation of one or more energy conservation measures;

[(22)] **(21)** "Unobligated balance", that amount in the fund that has not been dedicated to any projects at the end of each state fiscal year.

640.653. 1. An application for loan funds or other financial assistance may be submitted to the

department for the purpose of financing all or a portion of the costs incurred in implementing an energy conservation project. The application shall be accompanied by a technical assistance report. The application and the technical assistance report shall be in such form and contain such information, financial or otherwise, as prescribed by the department. This section shall not preclude any applicant or borrower from joining in a cooperative project with any other local government or with any state or federal agency or entity in an energy conservation project; provided that, all other requirements of sections 640.651 to 640.686 are met.

2. Eligible applications shall be assigned a payback score derived from the application review performed by the department. Applications shall be selected for loans and financial assistance beginning with the lowest payback score and continuing in ascending order to the highest payback score until all available program funds have been obligated within any given application cycle. The selection criteria may be applied per sector or entity to assure equity pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance an energy project with a payback score of less than six months or more than [eight years] **ten years or eighty percent of the expected useful life of the energy conservation measures when the expected useful life exceeds ten years**. Repayment periods are to be determined by the department. Applications may be approved for loans or financial assistance only in those instances where the applicant has furnished the department information satisfactory to assure that the project cost will be recovered through energy cost savings during the repayment period of the loan or financial assistance. In no case shall a loan or financial assistance be made to an applicant unless the approval of the governing board or body of the applicant to the loan agreement is obtained and a written certification of such approval is provided, where applicable.

3. The department shall approve or disapprove all applications for loans or financial assistance which are sent by certified or registered mail or hand delivered and received by the department's division of energy on, or prior to, the ninetieth day following the date of application cycle closing. Any applications which are not acted upon by the department by such date shall be deemed to be approved as submitted.

4. The department of elementary and secondary education shall be provided a summary of all proposed public elementary and secondary school projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department, the department of elementary and secondary education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for public education facilities.

5. The department of health and senior services shall be provided a summary of all proposed hospital projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans or financial assistance by the department of natural resources, the department of health and senior services shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related health requirements for hospital facilities.

6. The coordinating board for higher education shall be provided a summary of all proposed public higher education facility projects for review within fifteen days from the application deadline. Once projects have been reviewed and selected for loans and financial assistance by the department, the coordinating board for higher education shall have thirty days to certify that those projects selected for loans or financial assistance are consistent with related state programs for education facilities."; 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 passed **HS** for **HCS** for **SCS** for **SB 712**, entitled:

An Act to repeal sections 44.010, 44.023, 190.500, 306.124, 307.177, 407.472, 473.697, 490.620, 542.400, 542.402, 542.404, 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418, 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080, 578.008 and 610.021, and to enact in lieu thereof thirty-four new sections relating to terrorism, with penalty provisions, and expiration date for a certain section and an emergency clause.

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

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 22, Section 542.404, Line 22, by deleting said line after the term "**evidence of**" through Page 23, Line 10 and inserting in lieu thereof the following:

"**a felony which involves the manufacture or distribution of a controlled substance, as the term is defined by section 195.016, or the felony of murder, arson, or kidnapping, or a terrorist threat as defined in section 574.115, or any conspiracy to commit any of the foregoing.**"; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 38.050, Line 4 of said page, by deleting the word "**, bioterrorism**" and inserting in lieu thereof the following: "**and bioterrorism preparedness**"; and

Further amend said bill, Page 3, Section 38.050, Line 9 of said page, by deleting the word "**, bioterrorism**" and inserting in lieu thereof the following: "**and bioterrorism protections**"; and

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

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 53, Section 610.021, Line 15 of said page, by deleting the number "**2006**" on said line and inserting in lieu thereof the number "**2005**"; and

Further amend said bill, Page 53, Section 610.021, Line 16 of said page by inserting after all of said line the following: "**A municipal utility receiving a public records request for information about existing or proposed security systems and structural plans of real property owned or leased by the municipal utility, the public disclosure of which would threaten public safety, shall within three business days act upon such public records request, pursuant to section 610.023. Records related to the procurement of or expenditures relating to security systems shall be open except to the extent provided in this section. This exception shall sunset on December 31, 2006.**"; 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. 712, Page 55, Section 610.021, Line 6 of said page, by inserting immediately after all of said line the following:

"640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections

640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. Such records shall be available for public inspection during regular business hours.

5. **The department shall provide training and technical assistance to public water systems to protect against threats of tampering, sabotage, and terrorism.**

6. For the purposes of this section, "tampering" means to knowingly introduce a contaminant or otherwise interfere with the operation of a public water system for the purpose of causing a substantial interruption or impairment of service. Tampering with a public water system shall be tampering in the first degree pursuant to section 569.080, RSMo. The department may bring a civil action in the appropriate court against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system.

7. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size, shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	$2.00
1,001 to 4,000 connections	1.84
4,001 to 7,000 connections	1.67
7,001 to 10,000 connections	1.50
10,001 to 20,000 connections	1.34
20,001 to 35,000 connections	1.17
35,001 to 50,000 connections	1.00
50,001 to 100,000 connections	84
More than 100,000 connections	66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an annual user fee based on the above rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

[6.**] 8.** Fees imposed pursuant to subsection **[**5**] 7** of this section shall become effective on August 28, 1992, and shall be collected by the public water system serving the customer. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection **[**5**] 7** of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

[7.**] 9.** Imposition and collection of the fees authorized in subsection **[**5**] 7** of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

[8.**] 10.** Fees imposed pursuant to subsection **[**5**] 7** of this section shall expire on September 1, [2002] **2007**." ; and

Further amend said bill in the 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. 712, Page 41, Section 570.030, Line 3, by adding after said line: "**of explosive grade.**".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, Page 55, Section 610.021, Line 6, by inserting immediately after said line the following:

"**650.450. 1. A death benefit of one hundred fifty thousand dollars for a public safety officer who dies in the line of duty, shall be paid in a lump sum to the following relative:**

(a) To the surviving spouse;

(b) If there is no surviving spouse, to the surviving children to be shared equally;

(c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

2. A public safety officer for the purposes of this section is a firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state or Missouri or a political subdivision thereof or any volunteer firefighter serving a rural, volunteer or subscription fire department or organization.

3. As used in this section, "dies in the line of duty" refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer while actively performing duties as authorized or obligated by law, rule, regulation or condition of employment or service to perform.

4. The office of administration shall administer claims and payments pursuant to this section. Funding for death benefits pursuant to this section shall be paid from general revenue. Should the number of claims filed during any fiscal year exceed the appropriation for benefits pursuant to this

section, benefits shall be paid on a pro rata basis."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 712, by inserting the following in the appropriate location:

"**1. As used in this section "institution of higher education" or "institution" shall mean any flight school or any institution of post-secondary education, including a university, college, vocation and technical school and other post-secondary institutions.**

2. Any institution of higher education which has any student who is enrolled in or attending such institution on a foreign student visa, shall track the visa status of that student and shall report any change in that student's visa status, within forty-eight hours of becoming aware of it, to the department of immigration and naturalization services.".

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, to the Committee on State Budget Control.

President Pro Tem Kinder referred **HCS** for **HB 1143**, with **SCS**; **HS** for **HCS** for **HB 1650**, with **SCS** and **HS** for **HCS** for **HB 1654** and **1156**, with **SCS** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SR 1719** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kenney, the Senate recessed for approximately 30 minutes.

RECESS

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

HOUSE BILLS ON THIRD READING

Senator Kenney moved that SS No. 2 for SCS for HB 1446, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kenney, SS No. 2 for SCS for HB 1446, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Dougherty	Gross	Jacob—3

Absent—Senators

Quick	Staples—2

Absent with leave—Senators

DePasco	House—2

The President declared the bill passed.

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

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

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

HB 1953, with **SCS**, introduced by Representative Van Zandt, et al, entitled:

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, and 701.302, RSMo, and to enact in lieu thereof eight new sections relating to various advisory committees for the department of health and senior services.

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

SCS for **HB 1953**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1953

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 192.1078, 192.1080, 197.272, 197.450, 660.620, 660.625 and 701.302, RSMo, relating to various advisory offices of the department of health and senior services, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **HB 1953** be adopted.

Senator Caskey offered **SS** for **SCS** for **HB 1953**, entitled:

An Act to repeal sections 190.101, 191.305, 191.900, 191.910, 192.707, 192.712, 192.745, 197.272, 197.367, 197.450, 198.006, 198.012, 198.022, 198.029, 198.032, 198.036, 198.039, 198.067, 198.070, 198.073, 198.080, 198.082, 198.085, 198.086, 198.088, 198.090, 198.093, 198.525, 198.526, 198.531, 198.532, 208.156, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.263, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320 and 701.302, RSMo, relating to the department of health and senior services, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **HB 1953** be adopted.

Senator Childers assumed the Chair.

Senator Rohrbach raised the point of order that the **SS** is out of order, as it goes beyond the scope of the original **HB 1953**.

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

SCS for **HB 1953** was again taken up.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1953, Page 8, Section 197.450, Line 33, of said page, by inserting immediately after said line the following:

"344.060. 1. The director of the department of **[**social services**]** **health and senior services** shall appoint ten suitable persons who together with the director of the division of aging of the department of **[**social**]** **health and senior** services shall constitute the "Missouri Board of Nursing Home Administrators" which is hereby created **within the department of health and senior services** and which shall have the functions, powers and duties prescribed by sections 344.010 to 344.100.

2. In addition to the director of the division of aging or his designee the membership of the board shall consist of one licensed physician, two licensed health professionals, one person from the field of health care education, four persons who have been in general administrative charge of a licensed nursing home for a period of at least five years immediately preceding their appointment, and two public members. The public members shall be persons who are not, or never were, licensed nursing home administrators or the spouse of such persons, or persons who do not have or never have had a material, financial interest in either the providing of licensed nursing home services or in an activity or organization directly related to licensed nursing home administration.

Neither the one licensed physician, the two licensed health professionals, nor the person from the health care education field shall have any financial interest in a licensed nursing home.

3. The members of the board shall be appointed for three-year terms or until their successors are appointed and qualified provided that no more than four members' terms shall expire in the same year. All members appointed prior to September 28, 1979, shall serve the term for which they were appointed. The governor shall fill any vacancies on the board **[**from a list of five names submitted by the director of the department of social services**] as necessary**. Appointment to fill an unexpired term shall not be considered an appointment for a full term. Board membership, continued until successors are appointed and qualified, shall not constitute an extension of the three-year term and the successors shall serve only the remainder of the term.

4. **[**To**]** Every member **[**appointed by the director of the department of social services, there**]** shall **[**be issued**] receive** a certificate of appointment; and every appointee, before entering upon his **or her** duties, shall take the oath of office required by article VII, section 11, of the Constitution of Missouri.

5. Any member of the board may be removed by the director of the department of **[**social services**] health and senior services** for misconduct, incompetency or neglect to duty after first being given an opportunity to be heard in his own behalf."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 2, by deleting the numbers "**192.1078, 192.1080**" from said line; and further amend Pages 5-6, Sections 192.1078 and 192.1080 by deleting said sections; and further amend Section A, Lines 4, by deleting the numerals "192.1078, 192.1080".

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

President Maxwell assumed the Chair.

Senator Stoll offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 5, of said page, by inserting after "subject" the following: "and with a delayed effective date for a certain section"; and

Further amend said bill, Page 6, Section 192.1080, Line 4 of said page, by inserting after all of said line the following:

"194.210. As used in sections 194.210 to **[**194.290**] 194.307**, the following words and terms mean:

(1) "Bank or storage facility", a facility licensed, accredited, or approved **[**under**] pursuant to** the laws of any state for storage of human bodies or parts thereof **and subject to registration with the United States Food and Drug Administration**;

(2) "Decedent", a deceased individual and includes a stillborn infant or fetus;

(3) **"Donee":**

(a) Any hospital, surgeon or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(b) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science or therapy; or

(c) Any bank, storage facility or OPO, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(d) Any specified individual for therapy or transplantation needed by such individual;

(4) "Donor", an individual who makes a gift of all or part of his **or her** body;

(5) "Fund", the organ donor program fund established pursuant to section 194.297;

[(4)**] (6)** "Hospital", **[**a hospital licensed, accredited, or approved under the laws of any state and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws**] as defined in section 197.020, RSMo**;

(7) "Hospital designee", an individual designated by the hospital to initiate a request for organ donation in accordance with the requirements of 42 CFR 482.45;

(8) "OPO", a federally certified organ procurement organization designated pursuant to 42 CFR 486.301 to 486.325, as amended, to serve all or part of the state of Missouri;

[(5)**] (9)** "Part", organs, tissues, eyes, bones, **[**arteries,**]** blood **vessels**, other fluids and any other portions of a human body;

[(6)**] (10)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

[(7)**] (11)** "Physician" or "surgeon", a physician or surgeon licensed or authorized to practice under the laws of any state;

[(8)**] (12)** "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his or her body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift.** An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent **[**under**] pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent or of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body **[**under**] pursuant to** the uniform anatomical gift act;

(2) The spouse;

(3) An adult son or daughter;

(4) Either parent;

(5) An adult brother or sister;

(6) A guardian of the person of the decedent at the time of his **or her** death;

(7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection 2 of this

section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or

(3) Any bank **[**or**],** storage facility **or OPO**, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) Any specified individual for therapy or transplantation needed by **[**him**] such individual**.

194.233. 1. **[**The chief executive officer of each hospital in this state shall designate one or more trained persons to request anatomical gifts which persons shall not be connected with determination of death. The hospital official may designate a representative of an organ or tissue procurement organization to request consent.

2. When there is a patient who is a suitable candidate for organ or tissue donation based on hospital accepted criteria the designee shall request consent to a donation from the persons authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2 of section 194.220. When the hospital cannot, from available information, ascertain that the patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a donation from a member of the class described in subdivision (7) of subsection 2 of section 194.220. Such notification to a member of the class described in subdivision (7) of subsection 2 of section 194.220 shall occur before death where practicable.

3.**] Each hospital shall comply with the requirements of 42 CFR 482.45, as amended, which establishes standards for hospital participation in the organ procurement and donation process.**

2. No request shall be required if the hospital designee has actual notice of a gift by the decedent under subsection 1 of section 194.220 or actual notice of contrary indications by the decedent.

[4.**] 3.** Consent shall be obtained by the methods specified in section 194.240.

[5.**] 4.** Where a donation is requested, the designee shall verify such request in the patient's medical record. Such verification of request for organ donation shall include a statement to the effect that a request for consent to an anatomical gift has been made, and shall further indicate thereupon whether or not consent was granted, the name of the person granting or refusing the consent, and his or her relationship to the decedent.

[6. Upon the approval of the designated next of kin or other individual, as set forth in subsection 2 of section 194.220, the hospital shall then notify an organ or tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts pursuant to applicable provisions of sections 194.210 to 194.290.

7.**] 5.** No hospital shall have an obligation to retrieve **[**the**] an** organ or tissue donated pursuant to **[**this section**] sections 194.210 to 194.307**.

194.240. 1. A gift of all or part of the body **[**under**] pursuant to** subsection 1 of section

194.220 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body **[**under**] pursuant to** subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in **[**his**] the donor's** presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for **[**him**] the donor** at **[**his**] the donor's** direction and in **[**his**]** the donor's presence in the presence of two witnesses who must sign the document in **[**his**]** the donor's presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by a physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death or if the gift cannot be implemented, a physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee **[**under**] pursuant to** this subsection shall not participate in the procedures for removing or transplanting a part.

4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may designate in his or **her will**, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician to carry out the appropriate procedures. For the purpose of removing an eye or part thereof, any medical technician employed by a hospital, physician or eye bank and acting under supervision may perform the appropriate procedures. Any medical technician authorized to perform such procedure shall successfully complete the course prescribed in section 194.295 for embalmers.

5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by a document signed by him or her or made by his **or her** telegraphic, recorded telephonic, or other recorded message.

6. A gift of part of the body **[**under**] pursuant to** subsection 1 of section 194.220 may also be made by a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle licenses issued pursuant to chapter 302, RSMo. The statement to be effective shall be signed by the owner of the license in the presence of two witnesses, who shall sign the statement in the presence of the donor. Use of the form is prima facie evidence that the owner of the license intended to make the anatomical gift, and there shall be no civil or criminal liability for removal of any part of the body indicated on the form by a licensed physician **[**or**]**, surgeon **or donee**. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license. Pertinent medical information which may affect the quality of the gift may be included in the statement of gift.

7. Any person eighteen years of age or older, or any person under the age of eighteen with parental consent who indicates the desire to make an organ donation through any method prescribed in this section may also contact the department of health and senior services when completing such form, so that the information may be included in

the registry maintained by the department pursuant to subsection 1 of section 194.304. Failure to contact the department of health and senior services shall not be construed to challenge the validity of the organ donation.

8. Organ procurement organizations and tissue banks may **[**employ**]** **engage** coordinators to assist in the procurement of cadaveric organs and tissue for transplant or research. A coordinator who assists in the procurement of cadaveric organs or tissue for transplantation or research must do so under the direction and supervision of a physician or surgeon. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this subsection, the term "indirect supervision" means that a physician or surgeon is responsible for the medical actions of the coordinator, that the coordinator is acting under protocols expressly approved by a physician or surgeon, and that a physician or surgeon is available, in person or by telephone, to provide medical direction, consultation and advice in cases of organ and tissue donation and procurement.

9. The department of health and senior services shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations.

194.297. There is established in the state treasury the "Organ Donor Program Fund", which shall consist of all moneys deposited by the director of revenue pursuant to subsection 2 of section 302.171, RSMo, and any other moneys donated or appropriated to the fund. **Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources.** The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health and senior services, in consultation with the organ donation advisory committee, for implementation of organ donation awareness programs in the manner prescribed in **[**subsection 2 of section 194.300**]** **section 194.299**. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ donor program fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. There shall be no money appropriated from general revenue to administer the fund in the event the fund cannot sustain itself.

194.299. The moneys in the organ donor program fund shall be expended as follows:

(1) Grants by the department of health and senior services to certified organ procurement organizations for the development and implementation of organ donation awareness programs in this state;

(2) Publication of informational pamphlets or booklets by the department of health and senior services and the advisory committee regarding organ donations and donations to the organ donor program fund when obtaining or renewing a license to operate a motor vehicle pursuant to subsection 2 of section 302.171, RSMo**, or when obtaining or renewing a registration for a motor vehicle pursuant to section 301.020, RSMo**;

(3) Maintenance **and promotion** of a central registry of organ donors pursuant to subsection 1 of section 194.304; [and]

(4) Implementation **and promotion** of organ donation awareness programs in the secondary schools of this state by the department of elementary and secondary education**; and**

(5) Implementation and promotion of programs which promote minority or ethnic organ donation.

194.300. 1. There is established within the department of health and senior services the "Organ Donation Advisory Committee", which

shall consist of the following members**, with those members described in subdivisions (1) to (4) of this subsection** appointed by the governor with the advice and consent of the senate:

(1) **[**Four representatives of organ and tissue procurement organizations;

(2)**] Two members, from any federally certified OPO who shall be employed by or affiliated with an OPO. The members shall be appointed by the governor from a list of nominees submitted by each OPO;**

(2) One member representing an eye bank, who shall be employed by or affiliated with an eye bank. The member shall be appointed by the governor from a list of nominees submitted by the eye bank;

(3) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;

[(3)**] (4)** One **[**health care representative from a hospital located in Missouri; and**] member representing the hospital industry, who shall be employed by or affiliated with a hospital. The member shall be appointed by the governor from a list of nominees submitted by a trade association representing Missouri hospitals;**

[(4) One representative**] (5) The director** of the department of health and senior services **or his or her designee; and**

(6) The director of the department of revenue or his or her designee.

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the governor.

3. Of the members first appointed after August 28, 2002, four shall be appointed for an initial term of two years, four shall be appointed for an initial term of three years, three shall be appointed for an initial term of four years and the remaining members shall be appointed for an initial term of five years. After the initial term, members shall be appointed to serve for five-year terms. Members shall serve at the pleasure of the governor. Members who cease to meet the state qualifications during a term of office shall be replaced with a member appointed to complete the unexpired term.

194.302. **1.** The advisory committee shall assist the department of health and senior services and the department of elementary and secondary education in the development of organ donor awareness programs to educate the general public on the importance of organ donations and shall recommend priorities in the expenditures from the organ donor program fund. The advisory committee shall submit a report of its activities and recommendations to the director of the department of health and senior services, the general assembly and the governor by the fifteenth day of January of each year, beginning January 15, 1997.

2. The department of health and senior services shall provide Internet access to the organ donor registry for authorized personnel and explore additional methods for registering new participants. The advisory committee shall submit a report of its findings to the director of the department of health and senior services, the general assembly and the governor by January 15, 2003."; and

Further amend said bill, Page 8, Section 197.450, Line 33 of said page, by inserting after all of said line the following:

"301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

(1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;

(2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;

(3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.

2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

(1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and

(2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed

motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in section 194.297, RSMo. Moneys in the organ donor fund shall be used solely for the purposes established in section 194.299, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection. The provisions of this subsection shall be effective on July 1, 2003.

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one-dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years

of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection and whether the applicant is interested in **[**making an organ donation**] inclusion in the organ donor registry** and shall also specifically inform the licensee of the ability to **[**make an**] consent to** organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health and senior services of information obtained from applicants who indicate to the director that they are interested in **[**making organ donations**] registry participation**, and the department of health and senior services shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one- dollar donation prescribed in this subsection.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license,

the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

6. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as the driver's license upon payment of six dollars if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for

one dollar or a nondriver's license card with a photograph for six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **The director shall provide by administrative rule the procedure and format for an applicant to indicate a designation for an anatomical gift as provided in section 194.240, RSMo, on the back of the nondriver's license card. Applicants requesting a nondriver's license shall be offered the option of registry participation and the opportunity to donate to the organ donor fund as provided in section 302.171.**

8. **[**No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, 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, 2002, shall be invalid and void.**"; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Caskey raised the point of order that **SA 3** 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 Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Anmend Senate Committee Substitute for House Bill No. 1953, Page 1, Section A, Line 5, by inserting after all of said line the following:

"**37.525. 1. There is hereby established within the office of administration, the "Life Sciences Research Program". The program shall be administered by the commissioner of the office of administration based upon the recommendations of the "Life Sciences Research Committee", which is hereby created. The program shall consist of grant or contract awards from moneys appropriated from the "Healthy Families Trust Fund-Life Sciences Research Account". The grant or contract awards shall be designed to achieve the goals stated in subsection 4 of this section. The grants and contracts awards process shall be in accordance with chapter 34, RSMo. Grants or contracts awards shall only be made to public or private not-for-profit academic, research health care, or other institutions or organizations locate in Missouri.**

2. The life sciences research committee shall consist of the directors of the following departments: department of health and senior services, department of agriculture, department of higher education, and department of economic development and eight members who shall be appointed by the governor in the following manner:

(1) Current members of the life sciences research committee who have been appointed pursuant to executive order 01-10 shall serve as members of the life sciences research committee created by this section until the completion of

their respective terms. Thereafter, each of the eight appointed members shall be appointed by the governor with the advice and consent of the senate for a term of six years. The committee shall select its own chairperson from among its members;

(2) The members of the committee appointed by the governor shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;

(3) No member appointed by the governor of the life sciences research committee shall serve more than two consecutive full six-year terms on the committee; and

(4) The life sciences research committee shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the committee.

3. The life sciences research committee shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the committee.

4. The life sciences research committee shall take applications for grant or contract awards in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human safety development and aging, cancer, endocrine, cardiovascular, neurological including nerve regeneration, pulmonary, diagnostic disease and infectious disease, nutrition, food safety, connective tissue disease, asthma and obesity.

5. The applications shall be designed by the office of administration in consultation with the committee and shall contain information necessary to determine the potential benefits of grant or contract awards to be awarded, as well as other information deemed necessary for the administration of this program. The grant or contract award application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of sections 37.525 to 37.537. The office of administration shall not approve a grant or contract award unless the commissioner makes specific written findings that such research project shall be conducted in compliance with sections 37.525 to 37.537. The grant or contract award application and the grant or contract award shall be a public record within the meaning of chapter 610, RSMo.

6. The office of administration shall provide facilities, equipment, administrative and technical support services and administrative staff.

7. In determining projects to authorize, the life sciences research committee shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

8. The life sciences research committee shall have the authority to:

(1) Award research grants or contract awards in accordance with chapter 34, RSMo;

(2) Adopt research standards;

(3) Make recommendations to the commissioner of the office of administration who may promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs,

utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 37.525 to 37.537;

(4) Make provision for peer review panels to recommend and review research projects; and

(5) Make recommendations to the commissioner of the office of administration about the disbursement and administration of funds and the office of administration may receive, disburse and administer any funds appropriated to it.

9. 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 sections 37.525 to 37.537 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, 2002, shall be invalid and void.

37.528. The office of administration shall make provision for and secure from the state auditor an annual audit of its financial affairs and the funds expended from the life sciences research account. The audit shall be performed on a fiscal year basis. Any audit shall be paid for by moneys expended from the life sciences research account. The committee will make copies of each audit publicly available. Every three years the committee with assistance of its staff and the commissioner of the office of administration shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the committee's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

37.531. Grant or contract awards made by the life sciences research committee may provide for the reimbursement of costs. Reimbursement of particular costs will be based on guidelines established in OMB Circular A-21 section C which provides as follows: allowable costs include those costs that:

(1) Are reasonable;

(2) Are allocable to the project under the recipients' standard accounting practices;

(3) Are given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and

(4) Conform to any limitations or exclusions set forth in these principles or in the contract as to types or amounts of cost items.

37.534. Grant or contract award recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant or contract award. The property rights including intellectual property rights of institutions or organizations receiving grant or contract awards pursuant sections 37.525 to 37.537 shall be in compliance with The Patent and Trademark Law Amendments Act, Public Law 96-517, 1980 as amended, and as codified in Title 35 U.S.C. Sections 200-212, as amended, and 27 CFR Part 401, as amended. The life sciences research committee may, however, adopt reasonable regulations to insure that any

such intellectual property rights are utilized reasonably and in a manner which is in the public interest.

37.537. 1. Notwithstanding the provisions of sections 37.525 to 37.537, no grant or contract awards shall be paid, granted, or used, to subsidize in whole or in part:

(1) Abortion services; or

(2) Prohibited human research; or

(3) Development of drugs or chemicals intended to be used to induce an abortion; or

(4) Human cloning.

2. For the purposes of this section:

(1) "Abortion services" shall mean performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion, except when necessary to save the life of the mother;

(2) "Child" if in vivo, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if in vitro, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;

(3) "Conception" shall have the meaning described in section 188.015, RSMo;

(4) "Facilities and administrative costs" shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Grant or contract awards" shall mean awards of state funds pursuant to sections 37.525 to 37.537;

(6) "Human cloning" shall mean the replication of a human being genetically identical to another human being;

(7) "Prohibited human research" shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent was given the manner provided pursuant to sections 37.525 to 37.537, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(8) "Research project" shall mean research specified in the grant or contract award conducted under the auspices of the institution or institutions that applied for and received such grant or contract award pursuant to sections 37.525 to 37.537, regardless of whether the research is funded in whole or part by such grant or contract award. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, sickle cell anemia, infectious disease, nutrition, food safety, connective tissue disease, asthma and obesity. Such research may also include research and development on product safety and preventative care technologies.

3. No grant or contract awards shall be paid or granted pursuant to sections 37.525 to 37.537 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, prohibited human research, the development of drugs or chemicals

intended to be used to induce an abortion or human cloning. A research project that receives a grant or contract award shall not share costs with another research project, person or entity not qualified to receive a grant or contract award pursuant to sections 37.525 to 37.537; provided, however, the research project that receives a grant or contract award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant or contract award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 37.528 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the office of administration, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 37.525 to 37.537 shall not be construed to permit or make lawful any conduct that is otherwise unlawful under the laws of this state.

6. All of the provisions of sections 37.525 to 37.534 are severable; provided, however, the provisions of section 37.537 are not severable from the provisions of sections 37.525 to 37.534. If any provision of sections 37.525 to 37.534 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 37.525 to 37.534 shall be and remain valid. However, if any provision of section 37.537 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 37.525 to 37.534 shall be invalid and unenforceable."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 4** is out of order, as it goes beyond the scope and purpose of the original **HB 1953**.

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

Senator Bland offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1953, Page 5, Section 192.745, Line 67, by inserting after all of said line the following:

"**192.975. 1. As used in this section, the following words and phrases shall mean:**

(1) "Body mass index" or "BMI", the relationship between weight and height used to assess health risk related to excess weight, based on a mathematical formula that is expressed as weight in kilograms divided by height in meters squared (BMI=kg/m^2) or weight in pounds divided by height in inches squared and multiplied by 703 (BMI=lbs/in^2 x 703);

(2) "Department", the department of health and senior services;

(3) "Dietary Guidelines for Americans", the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;

(4) "Nutrition education", a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating patterns;

(5) "Obesity", a body mass index of more than 30kg/m^2 among adults and among children or a body mass index greater than the ninety-fifth percentile for age and sex in six to ten year olds;

(6) "Overweight", a body mass index between 25kg/m^2 and 29.9kg/m^2 among adults and children or a body mass index greater than the eighty-fifth percentile but less than the ninety-fifth percentile;

2. There is hereby created the "Missouri Commission on Prevention and Management of Obesity" within the department of health and senior services to be in existence within sixty days of the effective date of this section until August 28, 2004.

3. The functions and duties of the commission shall include, but not be limited to, the following:

(1) Collecting and analyzing data regarding the extent to which children and adults in Missouri suffer from obesity, including data already available to the department of health and senior services, the division of medical services and, where feasible, the data available to commercial insurers;

(2) Listing programs and services currently available to address the health, mental health, and social services needs of overweight children and adults;

(3) Listing funds dedicated within the state through commercial and self insurers, medicaid, and other federal and state funds to maintain such programs and services;

(4) Collecting and analyzing data to demonstrate the economic impact on the state of failure to treat obesity;

(5) Identifying cultural, environmental, and socioeconomic barriers to the prevention and management of obesity;

(6) Identifying specific recommendations that the state must implement to increase obesity prevention and management in children and adults and providing the estimated cost of implementing those recommendations.

4. The commission shall coordinate with the United States Department of Agriculture, the United States Department of Health and Human Services, including the Health Resources and Services Administration, the Centers for Medicaid and Medicare Services, and the Centers for Disease Control and Prevention, the Missouri department of elementary and secondary education, the Missouri department of social services, and the Missouri department of mental health to share resources and information in order to ensure a comprehensive approach to the prevention and treatment of obesity and obesity-related conditions.

5. The commission shall submit a report, including proposed legislation if necessary, to the governor and to the house budget committee and the senate appropriations committee, no later than August 28, 2004. The report shall include information about the economic burden of obesity, available programs and services, and the barriers to such programs and services.

6. The commission shall be composed of at a minimum, the following twenty-two members with consideration given to equal representation by ethnic groups and by geographic area:

(1) The director of the department of health and senior services;

(2) The commissioner of the department of elementary and secondary education;

(3) The director of the department of mental health;

(4) The director of the department of social services;

(5) The director of the department of insurance;

(6) The director of the department of higher education;

(7) A member of the house of representatives as appointed by the speaker of the house of representatives;

(8) A member of the senate as appointed by the president pro tem of the senate;

(9) Two public members, to be appointed by the director of the department of health and senior services;

(10) A representative of the Missouri State Medical Association;

(11) A representative of the Missouri Chapter of the American Academy of Pediatrics;

(12) A representative of the Missouri Nurses Association;

(13) Two persons from the University of Missouri-Columbia with professional knowledge and experience from the fields of medicine, nursing, or dietetics or nutrition sciences, jointly appointed by the deans of the University of Missouri Sinclair School of Nursing, the School of Medicine, and the College of Human and Environmental Sciences;

(14) A representative of the Missouri Dietetic Association;

(15) A representative of the Missouri Restaurant Association;

(16) A representative of the Food Processors' Association;

(17) A representative of the Food Manufacturers' Association;

(18) A representative of the School Food Service Association;

(19) A Missouri representative of the Association of American Medical Colleges; and

(20) A Missouri representative of the American Heart Association.

7. The commission shall have its first meeting no later than October 1, 2002. The director of the department of health and senior services shall serve as chair of the commission. The department shall establish the procedures necessary for the organization and operation of the commission. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030, RSMo.

8. Members of the commission shall receive no compensation.

9. The department shall establish and maintain a resource databank containing information about obesity and obesity-related subjects. Such databank shall be:

(1) Available to educational and research institutions, physicians, hospitals, policy makers, and members of the general public;

(2) Accessible through the department's web site and through printed materials. The department may assess reasonable charges for duplication or sale of materials; and

(3) Implemented by January 1, 2003.

10. The department of health and senior services shall provide technical assistance to schools and school districts to create healthy school nutrition environments. For purposes of this subsection, a healthy school nutrition environment shall be defined as one in which nutrition and physical activity are taught and supported in the classroom, the dining room, and throughout the school to provide positive messages that help students develop healthy eating and physical activity habits. A healthy school nutrition environment shall include:

(1) A commitment to nutrition and physical activity;

(2) Quality school meals that contain the required nourishment to foster learning and growth based upon the United States Department of Agriculture Dietary Guidelines for Americans;

(3) Other healthy food options that include sales of foods and beverages that are based on nutrition goals, not profit-making;

(4) Pleasant eating experiences so that children can relax, eat and socialize without feeling rushed;

(5) Nutrition education to build nutrition knowledge and skills into the curriculum to help children make healthy eating and physical activity choices; and

(6) Marketing to motivate parents, teachers, administrators, and the community to work towards a healthy school nutrition environment."; and

Further amend said bill, Page 11, Section 660.625, Line 5, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to address the needs of overweight children and adults in this state, 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 this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 5** 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 Kennedy offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1953, Page 10, Section 701.302, Line 76, by inserting after said line the following:

[197.367 Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.] ; and

Further amend enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 6** is out of order, in that the amendment 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 Cauthorn offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1953, Page 1, In the Title, Line 5 of said page, by inserting after the word "subject" the following: "and an effective date for a certain section"; and

Further amend said bill, Page 8, Section 197.450, Line 33 of said page, by inserting after all of said line the following:

"**208.225. To implement fully the provisions of section 208.152, RSMo, the division of medical services shall recalculate annually the Medicaid per diem reimbursement rates of each nursing home participating in the Medicaid program as a provider of nursing home services based on its costs reported in the Title XIX cost report filed with the division of medical services for its fiscal year preceding the two facility fiscal years preceding the effective**

date of the recalculated rates, provided however:

(1) The recalculated Medicaid per diem reimbursement rate of a nursing home shall not be reduced below the rate allowed on the effective date of the initial recalculation for that nursing home pursuant to this section for the first three years following initial recalculation; and

(2) The recalculated Medicaid per diem reimbursement rate of a nursing home shall not be less than ninety dollars per day; and

(3) The division of medical services, when recalculating the Medicaid per diem reimbursement rate of any facility, shall not apply to that calculation a minimum utilization adjustment greater than the most current statewide average occupancy of all licensed nursing homes minus three percent."; and

Further amend said bill, Page 11, Section 660.625, Line 5 of said page, by inserting after all of said line the following:

"Section B. The provisions of section 208.225 of this act shall take effect July 1, 2002, with recalculated rates effective for periods of service beginning on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 7** is out of order, as it goes beyond the scope and intent of the original bill.

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

Senator Singleton moved that **SCS** for **HB 1953**, as amended, be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **HB 1953**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

DePasco House—2

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.

CONFERENCE COMMITTEE REPORT

Senator Schneider, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 795**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 795

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 795 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on

House Committee Substitute for Senate Bill No. 795;

2. That the Senate recede from its position on Senate Bill No. 795;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 795, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Schneider /s/ Joseph L. Treadway

/s/ Wayne Goode /s/ Wes Shoemyer

/s/ David J. Klarich 26 /s/ Mark Hampton

/s/ Sarah Steelman /s/ Dr. Charles Portwood

/s/ Michael R. Gibbons /s/ Robert J. Behnen

Senator Schneider moved that the above conference committee report be adopted.

At the request of Senator Schneider, his motion was withdrawn.

PRIVILEGED MOTIONS

Senator Russell moved that **SB 1041**, with **HCAs 1**, **2** and **3** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Schneider Singleton Staples—3

Absent with leave—Senators

DePasco House—2

HCA 2 was taken up.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall

Wiggins Yeckel—30

NAYS—Senator Foster—1

Absent—Senator Staples—1

Absent with leave—Senators

DePasco House—2

HCA 3 was taken up.

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

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall

Wiggins Yeckel—30

NAYS—Senators—None

Absent—Senators

Bentley Staples—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Russell, **SB 1041**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Russell moved that **SB 1094**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1094**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1094

An Act to repeal section 198.439, RSMo, and to enact in lieu thereof two new sections relating to long-term care programs.

Was taken up.

Senator Russell moved that **HCS** for **SB 1094** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Schneider Staples—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Russell, **HCS** for **SB 1094** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley	Mathewson	Singleton	Staples—4

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Russell moved that **SB 1168**, with **HCA 1** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

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

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Gibbons	Goode
Gross	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Foster—1

Absent—Senators

Bentley Staples—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Russell, **SB 1168**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Westfall moved that **SB 1102**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1102**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1102

An Act to repeal section 191.680, RSMo, and to enact in lieu thereof one new section relating to nuisance.

Was taken up.

Senator Westfall moved that **HCS** for **SB 1102** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Staples Stoll—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Westfall, **HCS** for

SB 1102 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Russell Staples—2

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Johnson moved that **SB 1119**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1119**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1119

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

Was taken up.

Senator Johnson moved that **HCS** for **SB 1119** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Russell Staples—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Johnson, **HCS** for **SB 1119** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Russell Staples—2

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

Senator Kenney moved that motion lay on the

table, which motion prevailed.

Bill ordered enrolled.

Senator Foster moved that **SB 1199**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick Russell—2

Absent with leave—Senators

DePasco House—2

On motion of Senator Foster, **SB 1199**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Quick Russell—2

Absent with leave—Senators

DePasco House—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

H. Gene Dexter, as a public member of the Committee for Professional Counselors;

Also,

LaVaunt Maupin, as a member of the Missouri Public Entity Risk Management Board;

Also,

Betty Cooper Hearnes, as a member of the Second State Capitol Commission;

Also,

Dorothy Fauntleroy, as a member of the Missouri Health Facilities Review Committee;

Also,

Carol A. Moya, as a member of the Board of Regents for Missouri Western State College;

Also,

Shirley M. Sweet, as a member of the State

Board of Barber Examiners;

Also,

Robert H. Marty, as a member of the Children's Trust Fund Board;

Also,

Diana L. Gray, M.D. and John J. Puetz, M.D., as members of the Missouri Genetic Advisory Committee;

Also,

Karen D. Pack, as a member of the Child Abuse and Neglect Review Board;

Also,

Stephen L. Roling, as Chairperson of the Missouri State Penitentiary Redevelopment Commission;

Also,

Jeffrey J. Simon, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Mary E. West, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Sarah Schuette, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Dianne L. Priest, as a member of the Seismic Safety Commission;

Also,

Clyde C. Farris, as a member of the Missouri Ethics Commission;

Also,

Leonard S. Woodson, Jr., as a student representative to the Board of Curators for Lincoln University;

Also,

William L. Treece, as a member of the Missouri Training and Employment Council;

Also,

Vergil L. Belfi, as a member of the Board of Boiler and Pressure Vessel Rules.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

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

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 1720, regarding the TNT Reunion, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1721, regarding Douglas Glenn, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1722, regarding Don Thebeau, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1723, regarding Michael Scola, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1724, regarding Megan Arns, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1725, regarding Cordelia Stumberg, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1726, regarding the St. Charles High School Choir, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1727, regarding the Oak Leaf Artist Guild, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1728, regarding Joyce A. Wiley, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 1729, regarding Ed Pundmann, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1730, regarding Thro Clothing Company, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1731, regarding Lake St. Charles Retirement Community, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 1732, regarding Leonard's Metal, Inc., St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

On behalf of Senator Rohrbach, the President introduced to the Senate, his sister, Ida Barry, Springfield; Steve, Annette and Evan Barry, Fair Grove; and Laverna Henscheid, Marshfield.

Senator Dougherty introduced to the Senate, his daughter, Bridget Dougherty, his granddaughter, Dana McFarlane, Katie Bowen and Elijah Davis, St. Louis.

Senator Klarich introduced to the Senate, David, Karen and Emily Glaser, Wildwood; Cathy and Elizabeth Worley, Ellisville; and Jason Moll; and Emily, Jason and Elizabeth were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 10, 2002.

SENATE CALENDAR

SEVENTIETH DAY–FRIDAY, MAY 10, 2002

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 652-Singleton and
Russell, with SCS

HOUSE BILLS ON THIRD READING

1. HB 1402-Burton, et al, with SCS (Steelman)
2. HB 2023-Franklin, with SCA 1 (Foster)
3. HB 1086-Harlan, with SCS (House)
4. HB 1926-Fraser, et al (Quick)
5. HB 2078-Clayton (Rohrbach)
6. HS for HCS for HBs 1502 & 1821-Luetkenhaus, with SCS (Rohrbach)
7. HB 1196-Barnett, et al, with SCS (Westfall)
8. HBs 1489 & 1850-Britt, with SCS (Steelman)
9. HS for HCS for HB 1962-Monaco, with SCS
10. HCS for HB 1817, with SCS (Bentley)
11. HB 1773-Shelton and Carnahan, with SCS (Coleman)
12. HS for HCS for HBs 1461 & 1470-Seigfreid, with SCS (Yeckel)
13. HB 1748-Ransdall (Steelman)
14. HCS for HBs 1150, 1237 & 1327, with SCS (Gibbons)
15. HS for HB 1455-O'Toole, with SCS (Gross)
16. HB 1508-Koller, with SCS (Westfall)
17. HCS for HBs 1344 & 1944, with SCS (Caskey)
18. HB 1679-Crump, with SCS & point of order (Sims)
19. HCS for HB 1898, with SCS (Goode)
20. HCS for HB 1403, with SCS (Foster)
21. HB 1988-Kelly (144)
22. HS for HCS for HB 1906-Green (73), with SCS (Kenney)
23. HS for HCS for HB 1756-Reid (Klarich)
24. HCS for HB 1216, with SCS
25. HCS for HB 1425, with SCS (House)
26. HB 1406-Barnett, with SCS (Klindt)
27. HS for HCS for HBs 1654 & 1156-Hosmer, with SCS (Caskey) (In Budget Control)
28. HS for HCS for HB 1650-Hoppe, with SCS (In Budget Control)
29. HCS for HB 1143, with SCS (In Budget Control)
30. HB 1869-Barry (Klarich)

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)
SB 689-Gibbons, et al, with SCS
SB 696-Cauthorn, et al
SB 735-Steelman and Kinder, with SCS
SBs 766, 1120 & 1121-Steelman, with SCS
SB 832-Schneider, with SCS
SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)
SB 910-Gibbons
SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)
SB 926-Kenney, et al, with SCS
SB 938-Cauthorn, et al
SB 971-Klindt, et al, with SCS
SB 1010-Sims
SB 1035-Yeckel
SB 1040-Gibbons, et al, with SCS
SB 1046-Gross and House, with SCS (pending)
SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SBs 1063 & 827-Rohrbach and Kenney, with SCS, SS for SCS & SA 3 (pending)
SB 1087-Gibbons, et al, with SCS
SB 1099-Childers, with SCS
SB 1100-Childers, et al, with SS and SA 3 (pending)
SB 1103-Westfall, et al, with SA 2 (pending)
SB 1105-Loudon
SB 1111-Quick, with SCS
SB 1133-Gross, with SCS
SB 1157-Klindt, with SCS
SB 1195-Steelman, et al
SB 1205-Yeckel
SB 1206-Bentley and Stoll
SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)

HOUSE BILLS ON THIRD READING

HB 1041-Myers, with SCS & SS for SCS (pending) (Childers)
SS for SCS for HBs 1270 & 2032-Gratz (Westfall) (In Budget Control)

HB 1348-Myers, et al, with SCS, SS for SCS, SA 2, SSA 1 for SA 2 & point of order (pending) (Foster)
HB 1600-Treadway, with SS & SA 3 (pending) (Mathewson)
HS for HB 1994-Hosmer, with SA 1 & SA 2 to Part I of SA 1 (pending) (Bentley)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with SCS (pending) (Coleman)
HB 1085-Mays (50) (Quick)

HBs 1141, 1400, 1645, 1745 & 2026-Naeger, with SCS (Yeckel)
HB 1643-Holand and Barry (Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson, with HCS
SCS for SB 712-Singleton and Sims, with HS for HCS, as amended
SCS for SB 810-Dougherty, with HS for HCS, as amended
SB 895-Yeckel and Gross, with HS for HCS, as amended

SS for SS for SCS for SBs 970, 968, 921, 867, 868 & 738-Westfall, with HS for HCS, as amended
SCS for SB 1212-Mathewson, with HCS
SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 758-Bentley, with HCS
SB 795-Schneider, with HCS (CCR Offered)
SCS for SBs 1086 & 1126-DePasco & Quick, with HCS
SCS for SB 1202-Westfall, with HCS
SB 1220-Sims, with HS, as amended
SS for SB 1248-Mathewson, with HS for HCS, as amended
HCS for HB 1101, with SCS (Russell)
HCS for HB 1102, with SCS, as amended (Russell)
HCS for HB 1103, with SCS, as amended (Russell)
HCS for HB 1104, with SCS, as amended (Russell)
HCS for HB 1105, with SCS (Russell)
HCS for HB 1106, with SCS (Russell)
HCS for HB 1107, with SCS, as amended (Russell)
HCS for HB 1108, with SCS (Russell)
HCS for HB 1109, with SCS (Russell)
HCS for HB 1110, with SCS (Russell)
HCS for HB 1111, with SCS, as amended (Russell)
HCS for HB 1112, with SCS (Russell)
HB 1313-Burton, with SCS (Foster)
HB 1712-Monaco, et al, with SS for SCS, as amended (Klarich)
HB 2120-Ridgeway and Hosmer, with SCS (Gibbons)

RESOLUTIONS

SR 1026-Jacob, with SA 1 (pending)

Reported from Committee

SCR 51-Mathewson and Yeckel, with SCA 1
HCR 24-Kreider (Westfall)
SCR 73-Bland
SCR 75-Singleton

MISCELLANEOUS

REMONSTRANCE 1-Caskey