

# Journal of the Senate

SECOND REGULAR SESSION

---

SEVENTY-FIFTH DAY—FRIDAY, MAY 17, 2002

---

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Well done my good and faithful servants.” (Matthew 25:23)

Wondrous God, today marks the end of our regular session and it has been a time of great stress and complexity. As the clock ticks and final bills agreed to we are thankful for the help You have provided and guidance You have given. We are most thankful for those Senators who have given of their time and talents and themselves, who now leave the Senate and pursue new adventures and service. We thank You for them and the time we have shared with them and the good work they now complete. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV, the Jefferson City News Tribune, Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	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.

## CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 41**, with **HCS**, be taken up for adoption, which motion prevailed.

**HCS** for **SCR 41** was taken up.

Senator Rohrbach moved that **HCS** for **SCR 41** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Coleman
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples

Steelman Westfall Wiggins Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley Bland Dougherty Schneider  
Stoll—5

Absent with leave—Senator DePasco—1

On motion of Senator Rohrbach, **SCR 41**, as amended by the **HCS**, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Dougherty Schneider—3

Absent with leave—Senator DePasco—1

**REFERRALS**

President Pro Tem Kinder referred **HS** for **HB 1594**, with **SCS**, to the Committee on State Budget Control.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 1196** and has taken up and passed **SS** for **SCS** for **HB 1196**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, entitled:

An Act to repeal sections 87.207, 99.847, 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 321.130, and 334.735, RSMo, and to enact in lieu thereof fifty-three new sections relating to emergency services, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10 and 11.

**HOUSE AMENDMENT NO. 1**

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 63, Section 190.528, Lines 3 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following: “**strict as the minimum state standards, and no such regulations or ordinances shall**”; and

Further amend said bill, Page 63, Section 190.528, Line 10 of said page, by deleting the year “**2001**” and inserting in lieu thereof the year “**2002**”; and

Further amend said bill, Page 63, Section 190.528, Line 12, by deleting the year “**2001**” and inserting in lieu thereof the year “**2002**”; 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 Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location:

“**Section 2. Any county that has established an emergency telephone service 911 Board pursuant to section 190.309, may impose a**

county sales tax pursuant to subsections 1 to 7 of section 190.335, in lieu of tax imposed pursuant to section 190.305, and shall not be required to establish a Board pursuant to subsections 8 to 10 of section 190.335, RSMo.”; and

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

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location, all of the following:

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

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, a certified first responder, emergency medical technician-basic or emergency medical technician-paramedic who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

**2. Possession and use of epinephrine auto-injector devices shall be limited as follows:**

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of

health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

**3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.**

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

**4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.”; and**

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by inserting in the appropriate location the

following:

“87.235. 1. **Effective May 1, 2002**, upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time or place, provided that at such time or place the member was in the actual performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

(1) A retirement allowance to the widow during the person's widowhood of [fifty] **seventy** percent of the [deceased member's average final compensation] **pay then provided by law for the highest step in the range of salary for the next title or next rank above the member's range or title held at the time of the member's death**, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically disabled and incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the board of trustees in its discretion directs;

(2) If no widow benefits are payable pursuant to subdivision (1), such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children as the board of trustees in its discretion shall direct;

(3) If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and permanently mentally or physically disabled and incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the board of trustees shall direct, to continue until remarriage or death;

(4) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

2. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated, if such child is a patient or ward in a public-supported institution.

3. Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow for the child.”; 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 Committee Substitute for Senate Bill No. 1107, Page 6, Line 20, by inserting a “1” after the “99.847” on said page; and

Further amend, Page 7, Line 9, by inserting after said line:

**“2. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a**

**charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.**

**3. Sections 99.866 and 99.874, RSMo, shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects (including redevelopment project costs) by not more than forty percent of such project original projected cost (including redevelopment project costs) as such projects (including redevelopment project costs) existed as of June 30, 2003, and shall allow the aforementioned tax incremented financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003.”; and**

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 79, Section 321.552, Line 6, by inserting after the word “inhabitants” the following: **“or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants, or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any county with a charter form of government with over one million inhabitants, or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants,”.**

#### HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 79, Section 321.130, Line 4, by adding at the end of said line, the following:

“321.180. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk of each county in which all or part of the district lies a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year. [The fiscal year of the board shall be the same as the calendar year, beginning January first of each year and ending December thirty-first of the same year.]”.

#### HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 11, Section 190.053, Line 19, by deleting all of said section; and

Further amend said bill, Page 15, Line 10, by deleting all of Section 190.054; and

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

#### HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, by adding the following language to the end of said bill.

“50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget

year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. **Subject to the provisions of section 50.555 the county commission may create a fund to be known as “The ..... County Crime**

**Reduction Fund”.**

**7. The county commission may create other funds as are necessary from time to time.**

**50.555. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.**

**2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county crime reduction fund shall only be expended for the following purposes:**

**(1) Narcotics investigation, prevention, and intervention;**

**(2) Purchase of law enforcement related equipment and supplies for the sheriff's office;**

**(3) Matching funds for federal or state law enforcement grants;**

**(4) Funding for the reporting of all state and federal crime statistics or information; and**

**(5) Any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime reduction fund that is reasonably related to investigation, preparation, trial, and disposition of criminal cases before the courts of the state of Missouri.**

**4. The county commission may not reduce**

**any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal funds.**

**5. County crime reduction funds shall be audited as are all other county funds.**

558.019.1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of

consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

(a) The nature and severity of each offense;

(b) The record of prior offenses by the offender;

(c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and



the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

**7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:**

**(1) Restitution to any victim for costs incurred as a result of the offender's actions;**

**(2) Offender treatment programs;**

**(3) Mandatory community services;**

**(4) Work release programs in local facilities; and**

**(5) Community-based residential and nonresidential programs.**

**8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed five hundred dollars for any course of conduct, regardless of the number of charges resulting from such conduct. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are all other county funds.**

[7.] **9.** The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant

will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed five hundred dollars for any course of conduct, regardless of the number of charges resulting from such conduct. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are all other county funds.

[3.] **4.** The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such

cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4.] **5.** The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he or she does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a county crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Photographers from KTVI-TV and the St. Louis Post-Dispatch were given permission to

take pictures in the Senate Chamber today.

### PRIVILEGED MOTIONS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 1248**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 1248

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, with House Amendment No. 2, 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 Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 1248;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ J. L. Mathewson

/s/ Ed Quick

/s/ Chuck Gross

/s/ David J. Klarich 26

/s/ Michael R. Gibbons

FOR THE HOUSE:

/s/ James Foley

/s/ Jim Kreider

/s/ Chuck Graham

/s/ Catherine L. Hanaway

/s/ Shannon Cooper

Senator Mathewson moved that the above conference committee report be adopted, which

motion prevailed by the following vote:

YEAS—Senators  
 Bentley Bland Caskey Cauthorn  
 Dougherty Foster Gibbons Goode  
 Gross House Jacob Johnson  
 Kennedy Kenney Kinder Klarich  
 Klindt Mathewson Quick Russell  
 Schneider Sims Singleton Staples  
 Steelman Stoll Westfall Wiggins  
 Yeckel—29

NAYS—Senators  
 Loudon Rohrbach—2

Absent—Senators  
 Childers Coleman—2

Absent with leave—Senator DePasco—1

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SS** for **SB 1248**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
 FOR HOUSE SUBSTITUTE FOR  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE FOR  
 SENATE BILL NO. 1248

An Act to repeal sections 143.121, 143.811, 313.300, 447.532, 470.010, 470.020, 470.030, 470.040, 470.050, 470.060, 470.070, 470.080, 470.130, 470.150, 470.190, 470.200, 470.210, 470.220, 470.230, 470.240, 470.250, 470.260, 470.270, 470.280, 470.290, 470.300, 470.310, 470.320, 470.330, 470.340, 470.350 and 542.301, RSMo, and to enact in lieu thereof thirty-five new sections relating to certain funds for public elementary and secondary education, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators  
 Bentley Caskey Cauthorn Childers  
 Dougherty Foster Gibbons Goode  
 Gross House Jacob Johnson  
 Kennedy Kenney Kinder Klarich

Klindt Mathewson Quick Rohrbach  
 Russell Schneider Sims Singleton  
 Staples Steelman Stoll Westfall  
 Wiggins Yeckel—30

NAYS—Senator Loudon—1

Absent—Senators  
 Bland Coleman—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

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

NAYS—Senators  
 Loudon Singleton—2

Absent—Senator Coleman—1

Absent with leave—Senator DePasco—1

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.

**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 adopted the Conference Committee Report on **SCS** for **HB 1402**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1402**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 58**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1143**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Senator Sims requested unanimous consent of the Senate to suspend the rules to allow the Conferees on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, as amended, to meet at 11:30 a.m., while the Senate is in Session, which request was granted.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, as amended: Senators Sims, Bentley, Gross, Dougherty and Johnson.

### PRIVILEGED MOTIONS

Senator Kenney moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1143**, 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 **HCS** for **HB 1143**, as amended: Senators Kenney, Steelman, Klarich, Goode and Quick.

### PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, and request the House to recede from its position and grant the Senate a conference thereon, which motion prevailed.

Senator Singleton moved that the Senate refuse to recede from its position on **SCS** for **HB 1953**, 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 **SCS** for **HB 1953**, as amended: Senators Singleton, Sims, Steelman, Bland and Wiggins.

**HOUSE BILLS ON THIRD READING**

Senator Gibbons moved that **HCS** for **HBs 1150, 1237 and 1327**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, was again taken up.

Senator Gibbons offered **SA 6**:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1150, 1237 and 1327, Page 14, Section 144.1015, Line 27, by inserting after all of said line the following:

**“Section 1. The provisions of subsections 11 and 12 of section 137.115, RSMo, shall only apply in any county with a charter form of government with more than one million inhabitants.**

**Section 2. The provisions of subsection 3 of section 138.100, RSMo, shall only apply in any county with a charter form of government with more than one million inhabitants.”;** and further amend the title and enacting clause accordingly.

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

Senator Gibbons moved that **SS** for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **HCS** for **HBs 1150, 1237 and 1327**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach

Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Mathewson	Quick	Schneider
Staples—5			

Absent with leave—Senator DePasco—1

Senator Gross assumed the Chair.

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Childers	Mathewson—3
-------	----------	-------------

Absent with leave—Senator DePasco—1

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.

**PRIVILEGED MOTIONS**

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 969, 673 and 855**, as amended,

moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 969, 673 and 855

The Conference Committee appointed on House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, with House Amendment Nos. 1 and 2, 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 Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855;
3. That the attached Conference Committee Substitute for House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 969, 673 & 855, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall    /s/ Phil Smith  
/s/ Roseann Bentley    /s/ W. Craig Hosmer  
/s/ David Klindt        /s/ Phillip Britt  
/s/ Harold Caskey       Robert Mayer  
/s/ Maida J. Coleman    Carl Hendrickson

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Gibbons                  Schneider                  Sims—3

Absent with leave—Senator DePasco—1

On motion of Senator Westfall, **CCS for HS No. 2 for HCS for SS for SCS for SBs 969, 673 and 855**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 969, 673 and 855

An Act to repeal sections 43.540, 217.690, 547.170, 556.061, 565.225, 565.253, 566.010, 566.090, 589.400, 589.410, and 632.483, RSMo, and to enact in lieu thereof nineteen new sections relating to prosecution and prevention of sex crimes, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Gibbons Mathewson Sims—3

Absent with leave—Senator DePasco—1

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.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1402**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1402

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1402, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, and Senate Amendment No. 9, 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 Senate recede from its position on Senate Committee Substitute for House Bill No. 1402, as amended;
2. That the House recede from its position on House Bill No. 1402;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1402, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Sarah Steelman  
/s/ Bill Kenney

FOR THE HOUSE:

/s/ Carol Mays  
/s/ William W. Gratz

/s/ Roseann Bentley

/s/ Wayne Goode

/s/ Stephen Stoll

James O’Toole

/s/ Gary Burton

/s/ Rex Rector

Senator Klarich assumed the Chair.

President Pro Tem Kinder assumed the Chair.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Dougherty Singleton—2

Absent—Senators

Coleman Gibbons Mathewson—3

Absent with leave—Senator DePasco—1

On motion of Senator Steelman, **CCS** for **SCS** for **HB 1402**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE BILL NO. 1402

An Act to repeal sections 386.025, 392.410, 393.295, 393.700, 393.705, 393.715, 393.725, 393.740 and 393.765, RSMo, and to enact in lieu thereof twelve new sections relating to utility projects, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich

Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HS** for **HB 1399** was read the 3rd time and passed by the following vote:

NAYS—Senators  
Dougherty Singleton—2

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	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—32

Absent—Senators  
Coleman Mathewson Sims—3

Absent with leave—Senator DePasco—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

NAYS—Senators—None

YEAS—Senators

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

Absent—Senator Coleman—1

Absent with leave—Senator DePasco—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

NAYS—Senator Singleton—1

YEAS—Senators

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

Absent—Senators  
Childers Coleman—2

Absent with leave—Senator DePasco—1

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

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

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

NAYS—Senators—None

Absent—Senators

Coleman	Gross	Staples—3
---------	-------	-----------

Absent with leave—Senator DePasco—1

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

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

**HOUSE BILLS ON THIRD READING**

**HS** for **HB 1399**, entitled:

An Act to repeal section 42.175, RSMo, and to enact in lieu thereof one new section relating to World War II medals, with an emergency clause.



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

**HCS for HB 1398**, entitled:

An Act to repeal sections 42.170 and 42.175, RSMo, and to enact in lieu thereof two new sections relating to World War II medals, with an emergency clause.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HCS for HB 1398** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Schneider	Staples—3
---------	-----------	-----------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bentley	Coleman	Goode	Schneider
Singleton	Staples—6		

Absent with leave—Senator DePasco—1

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

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

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

At the request of Senator Kenney, **HCS for HB 1695**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HS for HCS for HBs 1729, 1589 and 1435** was placed on the Informal Calendar.

At the request of Senator Wiggins, **HB 1634**, with **SCS**, was placed on the Informal Calendar.

Photographers from the Senate were given permission to take pictures in the Senate Gallery today.

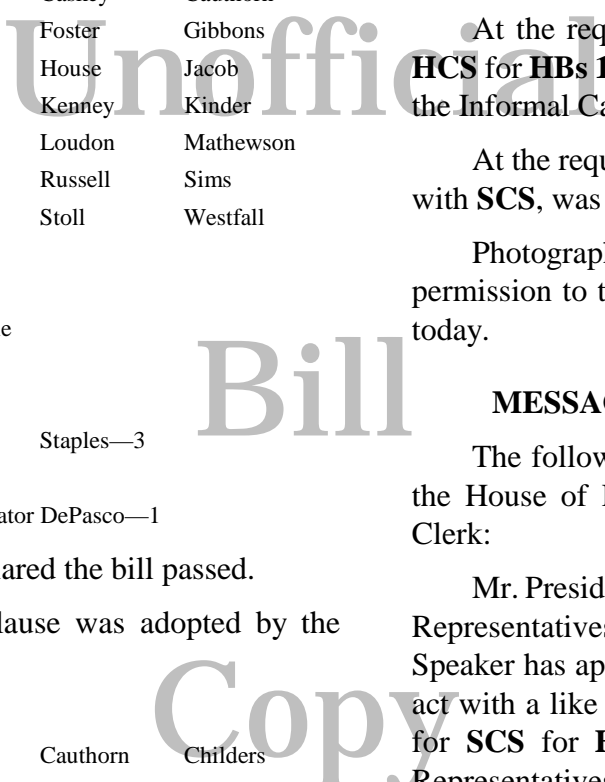
**MESSAGES FROM THE HOUSE**

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SS for SCS for HCS for HB 1143**, as amended. Representatives: Rizzo, Scheve, Smith, Hanaway and Kelly (47).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS for HCS for SS for SCS for SBs 923, 828, 876, 694 and 736**, as amended. Representatives: Barry,



Johnson (90), Paone, Bartlesmeyer, Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 65**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 74**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCS for SCR 57**.

On motion of Senator Kenney, the Senate recessed until 12:45 p.m.

### RECESS

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

### HOUSE BILLS ON THIRD READING

**HB 2137**, with **SCS**, introduced by Representative Crump, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

Was taken up by Senator Caskey.

**SCS for HB 2137**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2137

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

Was taken up.

Senator Caskey moved that **SCS for HB 2137**

be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS for HB 2137** 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	Loudon	Mathewson
Quick	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

#### NAYS—Senator Rohrbach—1

#### Absent—Senators

Klindt Russell Singleton—3

#### Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Caskey 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 1695**, with **SCS**, entitled:

An Act to repeal section 376.1219, RSMo, and to enact in lieu thereof five new sections relating to health insurance coverage for PKU and inherited diseases.

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

**SCS for HCS for HB 1695**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1695

An Act to repeal sections 354.085, 354.405, 354.603 and 376.1219, RSMo, and to enact in lieu

thereof seven new sections relating to health insurance.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HB 1695** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **HCS** for **HB 1695** 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	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Klarich—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 984 and 985**

The Conference Committee appointed on House Substitute for Senate Substitute No. 2 for

Senate Committee Substitute for Senate Bills Nos. 984 & 985, with House Amendment Nos. 1, 2, 3, 4, 5 and 6, 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 Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985;

3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 984 & 985 be Third Read and Finally Passed.

**FOR THE SENATE: FOR THE HOUSE:**

/s/ Sarah Steelman	/s/ Denny Merideth
/s/ John Cauthorn	/s/ Bill Ransdall
/s/ David Klindt	/s/ Frank A. Barnitz
/s/ Harold Caskey	/s/ Gary Marble
/s/ Maida J. Coleman	/s/ Van Kelly

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

YEAS—Senators

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

NAYS—Senators

Goode Rohrbach—2

Absent—Senators

Bland Childers Staples—3

Absent with leave—Senator DePasco—1

On motion of Senator Steelman, **CCS** for **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, entitled:

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

An Act to repeal sections 142.028, 247.030, 247.031, 247.040, 247.217, 247.220, 260.200, 323.060, 393.847, 414.032, 640.100, 643.220, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-five new sections relating to environmental regulation.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Goode Rohrbach—2

Absent—Senators

Bland Staples Yeckel—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Westfall, on behalf of the conference

committee appointed to act with a like committee from the House on **HS** for **SCS** for **SBs 915, 710** and **907**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 915, 710 and 907

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, with House Amendment Nos. 1, 3, 4, 5, 6, 7, 8, 12, 13 and 15, 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 Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907;

3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bills Nos. 915, 710 & 907, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall	/s/ Don Koller
/s/ John T. Russell	/s/ Timothy P. Green
David Klindt	/s/ Sam Berkowitz
/s/ Danny Staples	/s/ Cindy Ostmann
Wayne Goode	Larry Crawford

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

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Goode	House

Jacob	Johnson	Kennedy	Kinder
Mathewson	Quick	Russell	Schneider
Sims	Staples	Stoll	Westfall

Wiggins—21

Absent with leave—Senator DePasco—1

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.

NAYS—Senators

Foster	Gibbons	Gross	Kenney
Klarich	Klindt	Loudon	Rohrbach
Singleton	Steelman	Yeckel—11	

Absent—Senator Bland—1

Absent with leave—Senator DePasco—1

On motion of Senator Westfall, **CCS** for **HS** for **SCS** for **SBs 915, 710 and 907**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 915, 710 and 907

An Act to repeal sections 142.803, 144.020, 144.021, 144.440, 144.700 and 226.200, RSMo, relating to measures to increase funding for transportation, and to enact in lieu thereof eight new sections relating to the same subject, with a referendum clause, effective date and a contingent termination date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Goode	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Stoll	Westfall

Wiggins Yeckel—26

NAYS—Senators

Foster	Gibbons	Gross	Klindt
Rohrbach	Steelman—6		

Absent—Senator Bland—1

**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 **SS No. 2** for **SB 1191**, entitled:

An Act to repeal section 8.010, RSMo, and to enact in lieu thereof twenty-five new sections relating to the tobacco settlement financing authority act, with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 6 and 9.

**HOUSE AMENDMENT NO. 1**

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 21, Section 8.560, Line 1, by deleting all of said lines and inserting in lieu thereof the following: “**petition pursuant to chapter 9 of the federal bankruptcy**”; and

Further amend said bill, Page 21, Section 8.560, Line 5, by deleting all of said line and inserting in lieu thereof the following: “**or become a debtor pursuant to chapter 9 or any successor**”; 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 No. 2 for Senate Bill No. 1191, Page 7, Section 8.530, Line 18, by inserting after the word “**entities**” the following: “**for the purpose of securing debt obligations with a maturity of not more than one year issued pursuant to Section 8.545 hereof**”; and

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

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, by inserting in the appropriate location the following:

“**Section 1. 1. There is established a joint committee of the General Assembly to be known as the “Advisory Committee on Tobacco Securitization”, to be comprised of five members of the senate and five members of the house of representatives. Three of the senate members shall be appointed by the president pro tem of the senate and two by the senate minority leader. Three of the house members shall be appointed by the speaker of the house and two by the house minority leader. The appointment of each member shall continue during his or her term of office as a member of the general assembly or until a successor has been duly appointed to fill his or her place when his or her term of office as a member of the general assembly has expired.**

**2. The committee shall study and recommend who the financial advisors, investment bankers, and other professional advisors shall be for the Authority, and shall make a written report to the Authority within sixty days of passage of the bill. The committee shall also study and provide a written report by December 31 of each year to the Authority detailing suggested allowable projects and payments for which money from the tobacco settlement securitization settlement trust fund may be used in the next appropriation cycle.”; and**

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 3, Section 8.505, Line 2, after the word “shortfalls” inserting the phrase “**refund a portion of the general obligation indebtedness of the State.**”.

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Pages 1 to 2, Section 8.010, by deleting said section and inserting in lieu thereof the following:

“**1. The governor, attorney general and lieutenant governor constitute the board of public buildings. The governor is chairman and the lieutenant governor, secretary. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex-officio member of the board but shall not have the power to vote.**”; and

Further amend said bill, Page 5, Section 8.520, by deleting said section and inserting in lieu thereof the following:

“**The powers of the authority are vested in and shall be exercised by a board consisting of three members: the governor, the lieutenant governor, and the attorney general. The speaker of the house of representatives and the president pro tempore of the senate shall serve as ex-officio member of the board but shall not have the power to vote. The treasurer of the state may serve as an ex officio member of the authority but shall not have the power to vote. Two members of the board constitute a quorum. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so request. The members of the board shall not receive compensation by reason of**

their membership on the board.”

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 1191, Page 19, Section 8.550, Line 22, by deleting the term “**two hundred million dollars**” and inserting in lieu thereof the following: “**one hundred seventy-five million dollars.**”; 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 No. 2 for Senate Bill No. 1191, Page 21, Section 8.570, Line 25, by deleting the phrase “The net proceeds of bonds issued to implement Sections 8.500 to 8.565 shall not exceed six hundred million dollars”.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SB 1248**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SB 1248**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 834**, entitled:

An Act to repeal sections 311.070, 311.178, and 311.680, RSMo, and to enact in lieu thereof four new sections relating to liquor control, with an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is

respectfully requested.

#### RESOLUTIONS

Senator Schneider moved that **SR 1805** be taken up for adoption, which motion prevailed.

On motion of Senator Schneider, **SR 1805** was adopted.

Senator Schneider offered Senate Resolution No. 1806, regarding the Jerry Ford Orchestra, Cape Girardeau, which was adopted.

Senators Russell and Rohrbach offered Senate Resolution No. 1807, regarding Sharon M. Busch, Jefferson City, which was adopted.

Senators Gross and House offered Senate Resolution No. 1808, regarding Pat Gilman, St. Charles County, which was adopted.

Senator Coleman offered Senate Resolution No. 1809, regarding the Centennial Anniversary of the New Northside Missionary Baptist Church, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1810, regarding Rita Hill, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1811, regarding Erma Gerber, Jefferson City, which was adopted.

Senators Schneider, Caskey and Gibbons offered the following resolution, which was adopted:

#### SENATE RESOLUTION NO. 1812

WHEREAS, Legal Services is an integral part of our justice system and provides valuable assistance to those financially unable to access the legal system; and

WHEREAS, Legal Services has suffered a total loss of funding because of our state's budget cutbacks; and

WHEREAS, The Tort Victims Compensation Fund is an essential tool to provide some just compensation to underfunded tort victims; and

WHEREAS, House Bill No. 1962 now proposes to authorize court costs of \$20 on all appellate filings and \$8 on filings in circuit and associate courts to fund Legal Services and the Tort Victims Compensation Fund; and

WHEREAS, the Missouri Senate finds that attorneys should be particularly responsible to support essential needs of justice served by Legal Services and the Tort Victims Compensation Fund:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, hereby request the Board of Governors of the Missouri State Bar Association to endorse increasing bar dues \$75 per year to support those purposes; and

BE IT FURTHER RESOLVED that the Senate urges the Supreme Court to so increase bar dues to support said purposes.

### HOUSE BILLS ON THIRD READING

**HB 1634**, with **SCS**, introduced by Representative Hoppe, entitled:

An Act to repeal sections 141.770 and 141.790, RSMo, and to enact in lieu thereof two new sections relating to land trust expenses.

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

**SCS** for **HB 1634**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1634

An Act to repeal sections 141.610, 141.720, 141.750, 141.770, 141.790, 447.620, 447.622, 447.625, 447.632, 447.636, 447.638 and 447.640, RSMo, relating to land trusts and transfers, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1634** be adopted.

Senator Childers offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1634, Page 1, Section A, Line 5, by inserting after all of said line the following:

“52.250. The collectors in third class counties shall collect a fee of one-half of one percent [and the collectors in fourth class counties shall collect a fee of one percent] of all current taxes collected, including current delinquent taxes, exclusive of all current railroad and utility taxes collected **on behalf of the county**, as compensation for mailing the statements and receipts. All fees collected pursuant to this section shall be collected on behalf of the county and shall be paid into the county treasury. **Notwithstanding any provisions of law**

**to the contrary, or any other provision of law in conflict with the provisions of this section, in all counties which become counties of the second or fourth classification after December 31, 2000, one-half of one percent of all current taxes collected, including current delinquent taxes allocable to each taxing authority within the county and the county shall continue to be deducted each year for mailing the statements and receipts, exclusive of all current railroad and utility taxes collected, and shall be deposited into the county general fund as required by this section as if the county had retained its classification as a county of either the third or the fourth classification.** Collectors in third and fourth class counties are entitled to collect such fees immediately upon an order of the circuit court [under] **pursuant to** section 139.031, RSMo. If the protest is later sustained and a portion of the taxes so paid is returned to the taxpayer the county shall return that portion of the fee collected on the amount returned to the taxpayer. **Such county collector may accept credit cards as proper form of payment of outstanding taxes due. No county collector may charge a surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.**

52.290. 1. In all counties except counties of the first classification having a charter form of government and any city not within a county, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of [five] **seven** percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. [Two-fifths] **Two-sevenths** of the fees collected [under] **pursuant to** the provisions of this section shall be paid into the county general fund, **two-sevenths of the fees collected pursuant to the provisions of this section shall be paid into the tax maintenance fund of the county as required by section 52.312** and [three-fifths] **three-sevenths** of the fees collected [under] **pursuant to** the provisions of this section shall be paid into the county



employees' retirement fund created by sections 50.1000 to 50.1200, RSMo.

2. In all counties of the first classification having a charter form of government and any city not within a county, the collector shall collect on behalf of the county and pay into the county general fund a fee for the collection of delinquent and back taxes of two percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax **except that in a county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, the collector shall collect on behalf of the county a fee for the collection of delinquent and back taxes of three percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax. Two-thirds of the fees collected pursuant to the provisions of this section shall be paid into the county general fund and one-third of the fees collected pursuant to this section shall be paid into the tax maintenance fund of the county as required by section 52.312, RSMo.**

3. Such county collector may accept credit cards as proper form of payment of outstanding delinquent and back taxes due. No county collector may charge a surcharge for payment by credit card.

52.312. Notwithstanding any provisions of law to the contrary, in addition to fees provided for in this chapter, or any other provisions of law in conflict with the provisions of this section, all counties, including a county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants other than counties of the first classification having a charter form of government and any city not within a county, subject to the provisions of this section, shall establish a fund to be known as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the office of collector.

52.315. 1. The two-sevenths collected to fund the tax maintenance fund pursuant to section 52.290, shall be transmitted monthly for deposit into the tax maintenance fund and used for additional administration and operation costs for the office of collector. Any costs shall include, but shall not be limited to, those costs that require any additional out-of-pocket expense by the office of collector and it may include reimbursement to county general revenue for the salaries of employees of the office of collector for hours worked and any other expenses necessary to conduct and execute the duties and responsibilities of such office.

2. The tax maintenance fund may also be used by the collector for training, purchasing new or upgrading information technology, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of collector, including anything necessarily pertaining thereto.

3. The collector has the sole responsibility for all expenditures made from the tax maintenance fund and shall approve all expenditures from such fund. All such expenditures from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of county general revenue for the operation of the office of collector.

4. The tax maintenance fund may be audited by the appropriate auditing agency. Any unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year with interest.

52.317. Any county subject to the provisions of section 52.312 shall provide moneys for budget purposes in an amount not less than the approved budget in the previous year and shall include the same percentage adjustments in compensation as provided for other county employees as effective January first each year. Any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first each year in all counties of the first classification without a charter form

of government and any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants shall be limited to an amount equal to one-half of the previous year's approved budget for the office of collector, and any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first each year in all counties other than counties of the first classification and any city not within a county, which collect more than four million dollars of all current taxes charged to be collected, shall be limited to an amount equal to the previous year's approved budget for the office of collector. Any moneys remaining in the tax maintenance fund as of December thirty-first each year that exceed the above established limits shall be transferred to county general revenue by the following January fifteenth of each year.

54.323. Notwithstanding any provisions of law to the contrary, in addition to fees provided for in this chapter, or any other provisions of law in conflict with the provisions of this section, all counties of the third and fourth classification adopting township organization subject to the provisions of this section, shall establish a fund to be known as the "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the office of treasurer ex officio collector.

54.325. 1. In addition to the fees collected on all delinquent and back taxes by any treasurer ex officio collector pursuant to the provisions of this chapter and chapter 50, RSMo, such ex officio collector shall collect an additional two percent on all delinquent and back taxes and these additional fees shall be transmitted monthly for deposit into the tax maintenance fund pursuant to the provisions of section 54.323 and used for additional

administration and operation costs for the office of treasurer ex officio collector. Any costs shall include, but shall not be limited to, those costs that require any additional out-of-pocket expense by the office of treasurer ex officio collector and it may include reimbursement to county general revenue for the salaries of employees of the office of treasurer ex officio collector for hours worked and any other expenses necessary to conduct and execute the duties and responsibilities of such office.

2. The tax maintenance fund may also be used by the treasurer ex officio collector for training, purchasing new or upgrading information technology, equipment or other essential administrative expenses necessary to carry out the duties and responsibilities of the office of treasurer ex officio collector, including anything necessarily pertaining thereto.

3. The treasurer ex officio collector has the sole responsibility for all expenditures made from the tax maintenance fund and shall approve all expenditures from such fund. All such expenditures from the tax maintenance fund shall not be used to substitute for or subsidize any allocation of county general revenue for the operation of the office of treasurer ex officio collector.

4. The tax maintenance fund may be audited by the appropriate auditing agency. Any unexpended balance shall be left in the tax maintenance fund, to accumulate from year to year with interest.

54.327. Any county of the third and fourth classification adopting township organization shall provide moneys for budget purposes in an amount not less than the approved budget in the previous year and shall include the same percentage adjustments in compensation as provided for other county employees as effective January first each year. Any moneys accumulated and remaining in the tax maintenance fund as of December thirty-first

**each year in all counties of the third and fourth classification adopting township organization shall be limited to an amount equal to the previous year's approved budget for the office of treasurer ex officio collector. Any moneys remaining in the tax maintenance fund as of December thirty-first each year that exceed the above established limits shall be transferred to county general revenue by the following January fifteenth of each year.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Klarich assumed the Chair.

Senator Wiggins moved that **SCS** for **HB 1634**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 1634**, 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Russell	Schneider	Westfall—3
---------	-----------	------------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Wiggins moved that the vote by which

the bill passed be reconsidered.

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

Senator Gross moved that **HS** for **HB 1455**, with **SCS**, **SS** for **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Maxwell assumed the Chair.

**SSA 1** for **SA 4** was again taken up.

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Gross, **HS** for **HB 1455**, 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 refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, and has taken up and passed **CCS NO. 2** for **SS** for **SCS** for **HB 1270** and **HB 2032**.

Emergency clause adopted.

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like

committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended: Senators Childers, Quick, Gibbons, Gross and Stoll.

Photographers from the Kansas City Star were given permission to take pictures in the Senate Chamber today.

### HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HB 1600**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 3** was again taken up.

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

**SS** for **HB 1600**, as amended, was again taken up.

At the request of Senator Mathewson, **SS** for **HB 1600**, as amended, was withdrawn.

Senator Mathewson offered **SS No. 2** for **HB 1600**, entitled:

#### SENATE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 1600

An Act to repeal sections 318.100, 326.256, 326.271, 326.280, 326.283, 326.286, 326.289 and 326.292, RSMo, and to enact in lieu thereof twenty-nine new sections relating to licensing requirements for public accountants, private investigators and keepers of billiard tables, with penalty provisions.

Senator Mathewson moved that **SS No. 2** for **HB 1600** be adopted.

Senator Kinder offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 1600, Page 47, Section 326.292, Line 5 of said page, by inserting after all of said line the following:

“335.016. As used in [sections 335.011 to 335.096] **this chapter**, unless the context clearly

requires otherwise, the following words and terms mean:

(1) “Accredited”, the official authorization or status granted by an agency for a program through a voluntary process;

(2) “Advanced practice nurse”, a nurse who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nursing specialty, or who meets criteria for advanced practice nurses established by the board of nursing. The board of nursing may promulgate rules specifying which professional nursing organization certifications are to be recognized as advanced practice nurses, and may set standards for education, training and experience required for those without such specialty certification to become advanced practice nurses;

(3) “Approval”, official recognition of nursing education programs which meet standards established by the board of nursing;

(4) “Board” or “state board”, the state board of nursing;

(5) “Executive director”, a qualified [registered professional nurse] **individual** employed by the board as executive secretary or otherwise to administer the provisions of [sections 335.011 to 335.096] **this chapter** under the board's direction. Such person employed as executive director shall not be a member of the board;

(6) “Inactive nurse”, as defined by rule pursuant to section 335.061;

(7) A “licensed practical nurse” or “practical nurse”, a person licensed pursuant to the provisions of [sections 335.011 to 335.096] **this chapter** to engage in the practice of practical nursing;

(8) “Licensure”, the issuing of a license to practice professional or practical nursing to candidates who have met the specified requirements and the recording of the names of those persons as holders of a license to practice

professional or practical nursing;

(9) “Practical nursing”, the performance for compensation of selected acts for the promotion of health and in the care of persons who are ill, injured, or experiencing alterations in normal health processes. Such performance requires substantial specialized skill, judgment and knowledge. All such nursing care shall be given under the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse. For the purposes of this chapter, the term “direction” shall mean guidance or supervision provided by a person licensed by a state regulatory board to prescribe medications and treatments or a registered professional nurse, including, but not limited to, oral, written, or otherwise communicated orders or directives for patient care. When practical nursing care is delivered pursuant to the direction of a person licensed by a state regulatory board to prescribe medications and treatments or under the direction of a registered professional nurse, such care may be delivered by a licensed practical nurse without direct physical oversight;

(10) “Professional nursing”, the performance for compensation of any act which requires substantial specialized education, judgment and skill based on knowledge and application of principles derived from the biological, physical, social and nursing sciences, including, but not limited to:

(a) Responsibility for the teaching of health care and the prevention of illness to the patient and his or her family;

(b) Assessment, nursing diagnosis, nursing care, and counsel of persons who are ill, injured or experiencing alterations in normal health processes;

(c) The administration of medications and treatments as prescribed by a person licensed by a state regulatory board to prescribe medications and

treatments;

(d) The coordination and assistance in the delivery of a plan of health care with all members of a health team;

(e) The teaching and supervision of other persons in the performance of any of the foregoing;

(11) A “registered professional nurse” or “registered nurse”, a person licensed pursuant to the provisions of [sections 335.011 to 335.096] **this chapter** to engage in the practice of professional nursing.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Bill No. 1600, Pages 1-20, Sections 324.1100-1140, by deleting all of said sections.

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

Senator Schneider offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for House Bill No. 1600, Page 47, Section 326.292, Line 5 of said page, by inserting after all of said line the following:

“334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

(1) “Applicant”, any individual who seeks to become licensed as a physician assistant;

(2) “Certification” or “registration”, a process by a certifying entity that grants recognition to applicants meeting predetermined qualifications specified by such certifying entity;

(3) “Certifying entity”, the nongovernmental agency or association which certifies or registers

individuals who have completed academic and training requirements;

(4) “Department”, the department of economic development or a designated agency thereof;

(5) “License”, a document issued to an applicant by the department acknowledging that the applicant is entitled to practice as a physician assistant;

(6) “Physician assistant”, a person who has graduated from a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or by its successor agency, who has passed the certifying examination administered by the National Commission on Certification of Physician Assistants and has active certification by the National Commission on Certification of Physician Assistants who provides health care services delegated by a licensed physician. A person who has been employed as a physician assistant for three years prior to August 28, 1989, who has passed the National Commission on Certification of Physician Assistants examination, and has active certification of the National Commission on Certification of Physician Assistants;

(7) “Recognition”, the formal process of becoming a certifying entity as required by the provisions of sections 334.735 to 334.749;

(8) “Supervision”, [control exercised over a physician assistant working within the same office facility of the supervising physician except a physician assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities, each such examination being reviewed, approved and signed by the supervising physician] **overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. The supervising physician shall at all times be immediately available to the physician assistant for consultation, assistance or intervention**

**either personally or via telecommunications. A supervising physician shall be personally present for practice supervision and collaboration a minimum of twenty percent of clinic hours in any clinic location utilizing physicians assistants. The physician assistant shall be limited to practice at locations where the supervising physician is no further than thirty miles by road using the most direct route available, or in any other fashion so distanced as to create an impediment to effective intervention and supervision of patient care or adequate review of services; except that, physician assistants practicing in federally designated health professional shortage areas (HPSA's) shall be limited to practice at locations where the supervising physician is no further than fifty miles by road, using the most direct route available.** The board shall promulgate rules pursuant to chapter 536, RSMo, for the [proximity of practice between the physician assistant and the supervising physician and] documentation of joint review of the physician assistant activity by the supervising physician and the physician assistant.

2. The scope of practice of a physician assistant shall consist only of the following services and procedures:

(1) Taking patient histories;

(2) Performing physical examinations of a patient;

(3) Performing or assisting in the performance of routine office laboratory and patient screening procedures;

(4) Performing routine therapeutic procedures;

(5) Recording diagnostic impressions and evaluating situations calling for attention of a physician to institute treatment procedures;

(6) Instructing and counseling patients regarding mental and physical health using procedures reviewed and approved by a licensed physician;

(7) Assisting the supervising physician in institutional settings, including reviewing of treatment plans, ordering of tests and diagnostic laboratory and radiological services, and ordering of therapies, using procedures reviewed and approved by a licensed physician;

(8) Assisting in surgery;

(9) Performing such other tasks not prohibited by law under the supervision of a licensed physician as the [physician's] **physician** assistant has been trained and is proficient to perform;

(10) Physician assistants shall not perform abortions.

3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual power or visual efficiency of the human eye, nor administer or monitor general or regional block anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a physician assistant supervision agreement which is specific to the clinical conditions treated by the supervising physician and the physician assistant shall be subject to the following:

(1) A physician assistant shall not prescribe controlled substances;

(2) The types of drugs, medications, devices or therapies prescribed or dispensed by a physician assistant shall be consistent with the scopes of practice of the physician assistant and the supervising physician;

(3) All prescriptions shall conform with state and federal laws and regulations and shall include the name, address and telephone number of the physician assistant and the supervising physician;

(4) A physician assistant or advanced practice

nurse as defined in section 335.016, RSMo, may request, receive and sign for noncontrolled professional samples and may distribute professional samples to patients;

(5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies the supervising physician is not qualified or authorized to prescribe; and

(6) A physician assistant may only dispense starter doses of medication to cover a period of time for seventy-two hours or less.

4. A physician assistant shall clearly identify himself or herself as a physician assistant and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr." or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician assistant shall practice or attempt to practice without physician supervision or in any location where the supervising physician is not immediately available for consultation, assistance and intervention, except in an emergency situation, nor shall any physician assistant bill a patient independently or directly for any services or procedure by the physician assistant.

5. The physician assistant shall be a person who is a graduate of a physician assistant program accredited by the American Medical Association's Committee on Allied Health Education and Accreditation or its successor or is certified by a national nongovernmental agency or association, who has passed the National Commission on Certification of Physician Assistants examination and has active certification by the National Commission on Certification of Physician Assistants or its successor. A person who has been employed as a physician assistant for three years prior to August 28, 1989, and has passed the National Commission on Certification of Physician Assistants examination shall be deemed to have met the academic requirements necessary for licensing. **All applicants for physician assistant licensure who complete their physician assistant**

**training program after January 1, 2005, must have a master's degree in a health or medical science related field.**

6. For purposes of this section, the licensing of physician assistants shall take place within processes established by the state board of registration for the healing arts through rule and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536, RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees, and addressing such other matters as are necessary to protect the public and discipline the profession. An application for licensing may be denied or the license of a physician assistant may be suspended or revoked by the board in the same manner and for violation of the standards as set forth by section 334.100, or such other standards of conduct set by the board by rule or regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be required to be licensed as physician assistants.

7. "Physician assistant supervision agreement" means a written agreement, jointly agreed upon protocols or standing order between a supervising physician and a physician assistant, which provides for the delegation of health care services from a supervising physician to a physician assistant and the review of such services.

8. When a physician assistant supervision agreement is utilized to provide health care services for conditions other than acute self-limited or well-defined problems, the supervising physician or other physician designated in the supervision agreement, shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as practical, but in no case more than two weeks after the patient has been seen by the physician assistant.

9. At all times the physician is responsible for the oversight of the activities of, and accepts responsibility for, health care services rendered by

the physician assistant.

**10. No physician may be designated to serve as supervising physician for more than three full-time equivalent licensed physician assistants. This information shall not apply to physician assistant agreements of hospital employees providing in-patient care services in hospitals as defined in chapter 197, RSMo.**

**11. It is the responsibility of the supervising physician to determine and document the completion of at least a one-month period of time during which the licensed physician assistant shall practice with a supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present.";** and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson moved that the **SS No. 2** for **HB 1600**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS No. 2** for **HB 1600**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Russell	Schneider	Singleton—3
---------	-----------	-------------

Absent—Senator Bland—1

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.

**PRIVILEGED MOTIONS**

Senator Sims moved that **SCS** for **SB 834**, with **HS** for **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SCS** for **SB 834**, entitled:

HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 834

An Act to repeal sections 311.070, 311.178, and 311.680, RSMo, and to enact in lieu thereof four new sections relating to liquor control, with an emergency clause for a certain section.

Was taken up.

Senator Sims moved that **HS** for **HCS** for **SCS** for **SB 834** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators

Caskey	Cauthorn	Foster	Russell—4
--------	----------	--------	-----------

Absent—Senator Staples—1

Absent with leave—Senator DePasco—1

On motion of Senator Sims, **HS** for **HCS** for

**SCS** for **SB 834** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators

Caskey	Cauthorn	Foster	Russell—4
--------	----------	--------	-----------

Absent—Senators

Quick Staples—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1270** and **HB 2032**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2  
ON SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1270  
AND  
HOUSE BILL NO. 2032

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032,

with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 5, 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 Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, as amended;

2. That the House recede from its position on House Bill No. 1270 and House Bill No. 2032;

3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 1270 and House Bill No. 2032, be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Morris Westfall
- /s/ Bill Foster
- /s/ Betty Sims
- /s/ Harold Caskey
- /s/ Stephen Stoll

FOR THE HOUSE:

- /s/ William Gratz
- /s/ Randal Relford
- /s/ Deleta Williams
- /s/ Ken Legan
- /s/ Tom Burcham

Senator Westfall moved that the above conference committee report no. 2 be adopted, which motion prevailed 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	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

On motion of Senator Westfall, **CCS No. 2** for **SS** for **SCS** for **HB 1270** and **HB 2032**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
 NO. 2 FOR 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, and to enact in lieu thereof thirty-four new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Foster	Gibbons	Goode	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senator Gross—1

Absent—Senators

Childers	Coleman	Dougherty	Kennedy—4
----------	---------	-----------	-----------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Childers Mathewson—2

Absent with leave—Senator DePasco—1

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.

### HOUSE BILLS ON THIRD READING

Senator Gross moved that **HS** for **HB 1455**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 6, Section 71.203, Line 25 of said page, by inserting immediately after the word “city” as it appears the first time on said line the word “**not**”.

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

Senator Gross offered **SA 6**:

#### SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 2, Section 36.353, Lines 6-12 of said page, by striking all of said section

from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 7**, which was read:

#### SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 6, Section 71.203, Lines 8-25, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 8**, which was read:

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1455, Page 10, Section 104.050, Lines 20-22, by deleting all of the underlined words on said lines after the word “months” on line 20.

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

Senator Gross moved that **SS** for **SCS** for **HS** for **HB 1455**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **HS** for **HB 1455**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Schneider	Sims	Singleton	Stelman
Stoll	Westfall	Wiggins	Yeckel—28

## NAYS—Senators

Rohrbach	Russell—2
----------	-----------

## Absent—Senators

Cauthorn	Johnson	Staples—3
----------	---------	-----------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Schneider	Sims	Staples	Stelman
Stoll	Westfall	Wiggins—27	

## NAYS—Senators

Rohrbach	Russell	Singleton	Yeckel—4
----------	---------	-----------	----------

## Absent—Senators

Cauthorn	Johnson—2
----------	-----------

Absent with leave—Senator DePasco—1

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.

### 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 adopted the Conference Committee Report on **SS** for **HB 1748**, as amended, and has taken up and passed **CCS** for **SS** for **HB 1748**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SCS** for **HB 1348**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **SCS** for **HB 1348**.

### PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 1748**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE BILL NO. 1748

The Conference Committee appointed on Senate Substitute for House Bill No. 1748, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4 as amended, and Senate Amendment No. 5, 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 Senate recede from its position on Senate Substitute for House Bill No. 1748, as amended;
2. That the House recede from its position on House Bill No. 1748;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1748, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:  
 /s/ Sarah Steelman      /s/ Bill Ransdall  
 /s/ David Klindt      /s/ Randall Relford  
 /s/ John Cauthorn      /s/ Philip Willoughby  
 /s/ Sidney Johnson      /s/ Daniel J. Hegeman  
 /s/ Harold Caskey      /s/ Rex Rector

Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Coleman	Mathewson	Schneider	Westfall—4
---------	-----------	-----------	------------

Absent with leave—Senator DePasco—1

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

NAYS—Senators—None

Absent—Senator Westfall—1

Absent with leave—Senator DePasco—1

On motion of Senator Steelman, **CCS** for **SS** for **HB 1748**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
 FOR SENATE SUBSTITUTE FOR  
 HOUSE BILL NO. 1748

An Act to repeal sections 247.030, 247.031, 247.040, 247.217, 247.220, 393.705, 393.847, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof twenty-one new sections relating to water resources, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons

The President declared the bill passed.

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

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

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

Senator Foster, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SCS** for **HB 1348**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
 SENATE SUBSTITUTE NO. 2 FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 HOUSE BILL NO. 1348

The Conference Committee appointed on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, with Senate Amendment No. 1 as amended, Senate Amendment No. 2, and Senate Amendment No. 3, 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 Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, as amended;

2. That the House recede from its position on House Bill No. 1348;

3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 1348, be Third Read and Finally Passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Bill Foster	/s/ Sam Berkowitz
/s/ David Klindt	/s/ Frank A. Barnitz
/s/ John Cauthorn	/s/ Wes Shoemyer
/s/ Pat Dougherty	/s/ Ken Legan
/s/ Maida J. Coleman	/s/ Peter Myers

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

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Kinder	Quick	Staples—3
--------	-------	-----------

Absent with leave—Senator DePasco—1

On motion of Senator Foster, **CCS** for **SS No. 2** for **SCS** for **HB 1348**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 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, 407.592, 407.750, 407.751, 407.752, 407.850, 407.860, 407.870, 407.890, 407.892,

407.893 and 414.032, RSMo, and to enact in lieu thereof twenty-seven new sections relating to agriculture, with penalty provisions and a severability clause.

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	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senator Rohrbach—1

Absent—Senators

Jacob	Mathewson	Quick	Staples—4
-------	-----------	-------	-----------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 923, 828, 876, 694** and **736**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 923, 828, 876, 694 and 736

The Conference Committee appointed on

House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, with House Amendments Nos. 2, 3, 5, 6, 7, 8, 10 and 11, 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 Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 923, 828, 876, 694 & 736, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Betty Sims /s/ Joan Barry
/s/ Roseann Bentley /s/ Judy Berkstresser
/s/ Charles R. Gross /s/ Linda Bartelsmeyer
/s/ Pat Dougherty /s/ Rick Johnson
/s/ Sidney Johnson /s/ Toby W. Paone

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

Table with 4 columns: YEAS—Senators, listing names like Bentley, Childers, House, Kenney, Loudon, Russell, Staples, Wiggins, Bland, Foster, Jacob, Kinder, Mathewson, Schneider, Steelman, Caskey, Gibbons, Johnson, Klarich, Quick, Sims, Stoll, Cauthorn, Gross, Kennedy, Klindt, Rohrbach, Singleton, Westfall.

NAYS—Senators—None

Absent—Senators

Coleman Dougherty Goode Yeckel—4

Absent with leave—Senator DePasco—1

On motion of Senator Sims, CCS for HS for HCS for SS for SCS for SBs 923, 828, 876, 694 and 736, entitled:

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

An Act to repeal sections 28.160, 135.327, 191.227, 191.233, 191.925, 192.016, 210.001, 210.115, 210.145, 210.201, 210.906, 211.031, 211.181, 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121, 294.141, 452.402, 453.030, 454.606, 454.609, 454.615, 454.618, 454.627 and 454.700, RSMo, and to enact in lieu thereof thirty-two new sections relating to children and families, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Table with 4 columns: Bentley, Childers, House, Kenney, Loudon, Russell, Steelman, Yeckel—29, Bland, Foster, Jacob, Kinder, Mathewson, Schneider, Stoll, Caskey, Gibbons, Johnson, Klarich, Quick, Sims, Westfall, Cauthorn, Gross, Kennedy, Klindt, Rohrbach, Singleton, Wiggins.

NAYS—Senators—None

Absent—Senators

Coleman Dougherty Goode Staples—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

### HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HB 1650**, with **SCS**, entitled:

An Act to repeal sections 247.040, 393.705, 610.021, 640.620, 644.016, 644.051 and 644.052, RSMo, and to enact in lieu thereof eleven new sections relating to water resources, with an emergency clause.

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

**SCS** for **HS** for **HCS** for **HB 1650**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1650

An Act to repeal sections 247.040, 250.140, 393.705, 393.847, 610.021, 640.100, 640.620, 644.016, 644.036, 644.051 and 644.052, RSMo, and to enact in lieu thereof eighteen new sections relating to water resources, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HS** for **HCS** for **HB 1650** be adopted.

Senator Steelman offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1650, Pages 5-8, Section 249.669, Lines 1-111, by striking all of said section from the bill; and further amend pages 10-14,

section 610.021, lines 1-123, by striking said section from the bill; and further amend page 18, section 644.016, lines 4-5, by striking said lines and inserting in lieu thereof the following:

**“(1) “Aquaculture facility”, a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;”**; and

Further amend section 644.051, page 24, line 62, by striking the words “, applicants and public” and inserting in lieu thereof the following: “and applicants”; and further amend said section and page, line 70, by striking “Concerned,”; and further amend page 33, section 644.581, lines 1-7, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1650, Page 10, Section 278.258, Line 39, by inserting after all of said line the following:

“319.129. 1. There is hereby created a special trust fund to be known as the “Petroleum Storage Tank Insurance Fund” within the state treasury which shall be the successor to the underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to be state funds. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to general revenue at the end of each biennium.

2. The owner or operator of any underground storage tank, including the state of Missouri and its political subdivisions and public transportation systems, in service on August 28, 1989, shall



submit to the department a fee of one hundred dollars per tank on or before [December 31, 1989] **May 18, 2001**. The owner or operator of any underground storage tank who seeks to participate in the petroleum storage tank insurance fund, including the state of Missouri and its political subdivisions and public transportation systems, and whose underground storage tank is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment, and shall be in addition to the payment required by section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter, including the state of Missouri and its political subdivisions and public transportation systems, who seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board with his or her initial application. Such amount shall be a one-time payment and shall be in addition to the payment required by section 319.133. Moneys received pursuant to this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance fund.

3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of the state. All such deposits shall be secured in a manner and upon the terms as are provided by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance fund.

4. The general administration of the fund and the responsibility for the proper operation of the fund, including all decisions relating to payments from the fund, are hereby vested in a board of trustees. The board of trustees shall consist of the commissioner of administration or the commissioner's designee, the director of the department of natural resources or the director's designee, the director of the department of agriculture or the director's designee, and eight citizens appointed by the governor with the advice and consent of the senate. Three of the appointed

members shall be owners or operators of retail petroleum storage tanks, including one tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a financial lending institution, and one appointed trustee shall represent the insurance underwriting industry. One appointed trustee shall represent industrial or commercial users of petroleum. The two remaining appointed citizens shall have no petroleum-related business interest, and shall represent the nonregulated public at large. The members appointed by the governor shall serve four-year terms except that the governor shall designate two of the original appointees to be appointed for one year, two to be appointed for two years, two to be appointed for three years and two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same manner as provided in this section.

5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the agreement of any six members of the board. Notice of each meeting shall be delivered to all other trustees in person or by registered mail not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

6. Six trustees shall constitute a quorum for the transaction of business, and any official action of the board shall be based on a majority vote of the trustees present.

7. The trustees shall serve without compensation but shall receive from the fund their actual and necessary expenses incurred in the performance of their duties for the board.

8. All staff resources for the Missouri petroleum storage tank insurance fund shall be provided by the department of natural resources or

another state agency as otherwise specifically determined by the board. The fund shall compensate the department of natural resources or other state agency for all costs of providing staff required by this subsection. Such compensation shall be made pursuant to contracts negotiated between the board and the department of natural resources or other state agency.

9. In order to carry out the fiduciary management of the fund, the board may select and employ, or may contract with, persons experienced in insurance underwriting, accounting, the servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services.

10. At the first meeting of the board, the board shall elect one of its members as chairman. The chairman shall preside over meetings of the board and perform such other duties as shall be required by action of the board.

11. The board shall elect one of its members as vice chairman, and the vice chairman shall perform the duties of the chairman in the absence of the latter or upon the chairman's inability or refusal to act.

12. The board shall determine and prescribe all rules and regulations as they relate to fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks.

13. No trustee or staff member of the fund shall receive any gain or profit from any moneys or transactions of the fund. This shall not preclude any eligible trustee from making a claim or receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100 to 319.137.

14. The board may reinsure all or a portion of

the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

15. The petroleum storage tank insurance fund shall expire on December 31, 2010, or upon revocation of federal regulation 40 CFR Parts 280 and 285, whichever occurs first, unless extended by action of the general assembly. After December 31, 2010, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, 2010.

16. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

319.131. 1. Any owner or operator of one or more petroleum storage tanks may elect to participate in the petroleum storage tank insurance fund to partially meet the financial responsibility requirements of sections 319.100 to 319.137. Subject to regulations of the board of trustees, owners or operators may elect to continue their participation in the fund subsequent to the transfer of their property to another party. Current or former refinery sites or petroleum pipeline or marine terminals are not eligible for participation in the fund.

2. The board shall establish an advisory committee which shall be composed of insurers and owners and operators of petroleum storage tanks. The advisory committee established pursuant to this subsection shall report to the board. The committee shall monitor the fund and recommend statutory and administrative changes as may be necessary to assure efficient operation of the fund. The committee, in consultation with the

board and the department of insurance, shall annually report to the general assembly on the availability and affordability of the private insurance market as a viable method of meeting the financial responsibilities required by state and federal law in lieu of the petroleum storage tank insurance fund.

3. (1) Except as otherwise provided by this section, any person seeking to participate in the insurance fund shall submit an application to the board of trustees and shall certify that the petroleum tanks meet or exceed and are in compliance with all technical standards established by the United States Environmental Protection Agency, except those standards and regulations pertaining to spill prevention control and counter-measure plans, and rules established by the Missouri department of natural resources and the Missouri department of agriculture. The applicant shall submit proof that the applicant has a reasonable assurance of the tank's integrity. Proof of tank integrity may include but not be limited to any one of the following: tank tightness test, electronic leak detection, monitoring wells, daily inventory reconciliation, vapor test or any other test that may be approved by the director of the department of natural resources or the director of the department of agriculture. The applicant shall submit evidence that the applicant can meet all applicable financial responsibility requirements of this section.

(2) A creditor, specifically a person who, without participating in and not otherwise primarily engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily for the purpose of, or in connection with, securing payment or performance of a loan or to protect a security interest in or lien on the tank or the property where the tank is located, or serves as trustee or fiduciary upon transfer or receipt of the property, may be a successor in interest to a debtor pursuant to this section, provided that the creditor gives notice of the interest to the insurance fund by certified mail, return receipt requested. Part of such

notice shall include a copy of the lien, including but not limited to a security agreement or a deed of trust as appropriate to the property. The term "successor in interest" as provided in this section means a creditor to the debtor who had qualified real property in the insurance fund prior to the transfer of title to the creditor, and the term is limited to access to the insurance fund. The creditor may cure any of the debtor's defaults in payments required by the insurance fund, provided the specific real property originally qualified pursuant to this section. The creditor, or the creditor's subsidiary or affiliate, who forecloses or otherwise obtains legal title to such specific real property held as collateral for loans, guarantees or other credit, and which includes the debtor's aboveground storage tanks or underground storage tanks, or both such tanks shall provide notice to the fund of any transfer of creditor to subsidiary or affiliate. Liability pursuant to sections 319.100 to 319.137 shall be confined to such creditor or such creditor's subsidiary or affiliate. A creditor shall apply for a transfer of coverage and shall present evidence indicating a lien, contractual right, or operation of law permitting such transfer, and may utilize the creditor's affiliate or subsidiary to hold legal title to the specific real property taken in satisfaction of debts. Creditors may be listed as insured or additional insured on the insurance fund, and not merely as mortgagees, and may assign or otherwise transfer the debtor's rights in the insurance fund to the creditor's affiliate or subsidiary, notwithstanding any limitations in the insurance fund on assignments or transfer of the debtor's rights.

(3) Any person participating in the fund shall annually submit an amount established pursuant to subsection 1 of section 319.133 which shall be deposited to the credit of the petroleum storage tank insurance fund.

4. Any person making a claim pursuant to this section and sections 319.129 and 319.133 shall be liable for the first ten thousand dollars of the cost of cleanup associated with a release from a

petroleum storage tank without reimbursement from the fund. The petroleum storage tank insurance fund shall assume all costs, except as provided in subsection 5 of this section, which are greater than ten thousand dollars but less than one million dollars per occurrence or two million dollars aggregate per year. The liability of the petroleum storage tank insurance fund is not the liability of the state of Missouri. The provisions of sections 319.100 to 319.137 shall not be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, RSMo, nor to abolish or waive any defense which might otherwise be available to the state or to any person. The presence of existing contamination at a site where a person is seeking insurance in accordance with this section shall not affect that person's ability to participate in this program, provided the person meets all other requirements of this section. Any person who qualifies pursuant to sections 319.100 to 319.137 and who has requested approval of a project for remediation from the fund, which request has not yet been decided upon shall annually be sent a status report including an estimate of when the project may expect to be funded and other pertinent information regarding the request.

**5. In addition to the coverage set forth in subsection 4,** the fund shall provide coverage for third-party claims involving property damage or bodily injury caused by leaking petroleum storage tanks whose owner or operator is participating in the fund at the time the release occurs or is discovered. Coverage for third-party bodily injury shall not exceed one million dollars per occurrence. Coverage for third-party property damage shall not exceed one million dollars per occurrence. The fund shall not compensate an owner or operator for repair of damages to property beyond that required to contain and clean up a release of a regulated substance or compensate an owner or operator or any third party for loss or damage to other property owned or belonging to the owner or operator, or for any loss or damage of an intangible nature,

including, but not limited to, loss or interruption of business, pain and suffering of any person, lost income, mental distress, loss of use of any benefit, or punitive damages.

6. The fund shall, within limits specified in this section, assume costs of third-party claims and cleanup of contamination caused by releases from petroleum storage tanks. The fund shall provide the defense of eligible third-party claims including the negotiations of any settlement.

7. Nothing contained in sections 319.100 to 319.137 shall be construed to abrogate or limit any right, remedy, causes of action, or claim by any person sustaining personal injury or property damage as a result of any release from any type of petroleum storage tank, nor shall anything contained in sections 319.100 to 319.137 be construed to abrogate or limit any liability of any person in any way responsible for any release from a petroleum storage tank or any damages for personal injury or property damages caused by such a release.

8. (1) The fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks, the owner or operator of which is participating in the fund or the owner or operator of which has made application for participation in the fund by [December 31, 1997] **May 18, 2001**, regardless of when such release occurred, provided that those persons who have made application are ultimately accepted into the fund. Applicants shall not be eligible for fund benefits until they are accepted into the fund. This section shall not preclude the owner or operator of petroleum storage tanks coming into service after [December 31, 1997] **May 18, 2001**, from making application to and participating in the petroleum storage tank insurance fund.

(2) Notwithstanding the provisions of section 319.100 and the provisions of subdivision (1) of this section, the fund shall provide moneys for cleanup of contamination caused by releases from petroleum storage tanks owned by school districts

all or part of which are located in a county of the third classification without a township form of government and having a population of more than ten thousand seven hundred but less than eleven thousand inhabitants, and which make application for participation in the fund by August 28, 1999, regardless of when such release occurred. Applicants shall not be eligible for fund benefits until they are accepted into the fund, and costs incurred prior to that date shall not be eligible expenses.

9. (1) The fund shall provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to [December 31, 1997] **May 18, 2001**, provided such sites have been documented by or reported to the department of natural resources prior to [December 31, 1997] **May 18, 2001**, and provided further that the fund shall make no reimbursements for expenses incurred prior to August 28, 1995. The fund shall also provide moneys for cleanup of contamination caused by releases from underground storage tanks which contained petroleum and which have been taken out of use prior to December 31, 1985, if the current owner of the real property where the tanks are located purchased such property before December 31, 1985, provided such sites are reported to the fund on or before June 30, 2000. The fund shall make no payment for expenses incurred at such sites prior to August 28, 1999. Nothing in sections 319.100 to 319.137 shall affect the validity of any underground storage tank fund insurance policy in effect on August 28, 1996.

(2) An owner or operator who submits a request as provided in this subsection is not required to bid the costs and expenses associated with professional environmental engineering services. The board may disapprove all or part of the costs and expenses associated with the environmental engineering services if the costs are excessive based upon comparable service costs or current market value of similar services. The owner

or operator shall solicit bids for actual remediation and cleanup work as provided by rules of the board.

10. The fund shall provide moneys for cleanup of contamination caused by releases from aboveground storage tanks utilized for the sale of products regulated by chapter 414, RSMo, which have been taken out of use prior to [December 31, 1997] **May 18, 2001**, provided such sites have been documented by or reported to the department of natural resources prior to [December 31, 1997] **May 18, 2001**, and provided further that the fund shall make no reimbursements for expenses incurred prior to July 1, 1997.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Steelman moved that **SCS for HS for HCS for HB 1650**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS for HS for HCS for HB 1650**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Cauthorn	Dougherty	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Sims	Steelman	Stoll
Wiggins	Yeckel—18		

NAYS—Senators

Bland	Caskey	Childers	Foster
House	Jacob	Johnson	Kennedy
Russell	Singleton	Staples	Westfall—12

Absent—Senators

Coleman	Mathewson	Schneider—3
---------	-----------	-------------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Jacob moved that **SS No. 2 for SB 1191**, with **HS for HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS for HCS for SS No. 2 for SB 1191**, as amended, entitled:

**HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 1191**

An Act to repeal section 8.010, RSMo, and to enact in lieu thereof twenty-five new sections relating to the tobacco settlement financing authority act, with an emergency clause.

Was taken up.

Senator Jacob moved that **HS for HCS for SS No. 2 for SB 1191**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Gibbons	Goode
House	Jacob	Johnson	Kennedy
Kenney	Klindt	Mathewson	Quick
Sims	Staples	Stelman	Stoll
Wiggins	Yeckel—22		

NAYS—Senators

Foster	Gross	Loudon	Rohrbach
Singleton—5			

Absent—Senators

Dougherty	Kinder	Klarich	Russell
Schneider	Westfall—6		

Absent with leave—Senator DePasco—1

On motion of Senator Jacob, **HS for HCS for SS No. 2 for SB 1191**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Coleman	Dougherty	Gibbons	Goode
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klindt	Mathewson
Quick	Schneider	Sims	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senators

Foster	Gross	Loudon	Rohrbach
Singleton—5			

Absent—Senators

Childers	Klarich	Russell—3	
----------	---------	-----------	--

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Gibbons
Goode	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Sims
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators

Foster	Gross	Loudon	Rohrbach
Singleton—5			

Absent—Senators

Russell	Schneider—2		
---------	-------------	--	--

Absent with leave—Senator DePasco—1

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

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

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

Bill ordered enrolled.

**HOUSE BILLS ON THIRD READING**

Senator Klarich moved that **HS** for **HCS** for **HB 1756**, with **SS**, **SS** for **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

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

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

**SA 1** was again taken up.

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

**SS** for **SS** for **HS** for **HCS** for **HB 1756** was again taken up.

At the request of Senator House, **SS** for **SS** for **HS** for **HCS** for **HB 1756** was withdrawn.

**SS** for **HS** for **HCS** for **HB 1756** was again taken up.

At the request of Senator Klarich, **SS** for **HS** for **HCS** for **HB 1756** was withdrawn.

**HS** for **HCS** for **HB 1756** was again taken up.

On motion of Senator Klarich, **HS** for **HCS** for **HB 1756** 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
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins—28

NAYS—Senator Rohrbach—1

Absent—Senators

Mathewson Quick Schneider Yeckel—4

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Russell moved that the Senate refuse to concur in **HS** for **HCS** for **SB 856**, as amended, and request the House to recede from its position and take up and pass **SB 856**, which motion prevailed.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1953**, as amended. Representatives: VanZandt, Campbell, Wilson (25), Cierpiot, Phillips.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1953**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1953**.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended. Representatives: Hoppe, O'Connor, Holt, Dolan, Griesheimer.

**HOUSE BILLS ON THIRD READING**

**HB 1406**, with **SCS**, introduced by Representative Barnett, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest Missouri State University.

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

**SCS** for **HB 1406**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1406**

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest Missouri State University.

Was taken up.

Senator Klindt moved that **SCS** for **HB 1406** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HB 1406** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Gross	Jacob	Mathewson	Russell
-------	-------	-----------	---------

Schneider—5

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1953**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1953**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1953, with Senate Amendment No. 1 and Senate Amendment No. 2, 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 Senate recede from its position on Senate Committee Substitute for House Bill No. 1953, as amended;
2. That the House recede from its position on House Bill No. 1953;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1953, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:

/s/ Marvin Singleton      /s/ Tim VanZandt

/s/ Betty Sims              /s/ Marsha Campbell



/s/ Sarah Steelman /s/ Vicky Riback Wilson  
 /s/ Mary Groves Bland /s/ Connie Cierpiot  
 /s/ Harry Wiggins /s/ Susan Phillips

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Klarich
Loudon	Mathewson	Rohrbach	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Johnson	Kinder	Klindt	Quick
Russell	Schneider—6		

Absent with leave—Senator DePasco—1

On motion of Senator Singleton, **CCS for SCS for HB 1953**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1953

An Act to repeal sections 190.101, 191.305, 192.707, 192.712, 192.745, 197.272, 197.450, 344.060, and 701.302, RSMo, and to enact in lieu thereof nine new sections relating to various advisory offices of the department of health and senior services.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Sims	Singleton	Staples	Steelman

Stoll Westfall Wiggins Yeckel—28

NAYS—Senators—None

Absent—Senators

Dougherty Kinder Quick Russell  
 Schneider—5

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1107

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, with House Amendments Nos. 1, 2, 3, 4, 7, 8, 9, 10 and 11, 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 Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended;
2. That the House recede from its position on Senate Substitute for Senate Committee Substitute

for Senate Bill No. 1107;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, as amended by Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Doyle Childers	/s/ Thomas Hoppe
/s/ Ed Quick	/s/ Patrick J. O'Connor
/s/ Michael R. Gibbons	/s/ Bruce Holt
/s/ Charles Gross	/s/ Jon Dolan
/s/ Stephen Stoll	/s/ John E. Griesheimer

CONFERENCE COMMITTEE AMENDMENT  
NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 7, Line 15, by inserting a "1" after the "99.847" on said page; and

Further amend Page 7, Line 28, by inserting after said line:

**"2. Notwithstanding the provisions of sections 99.800 to 99.865, RSMo, to the contrary, no new tax increment financing project shall be authorized in any area which is within an area designated as flood plain by the Federal Emergency Management Agency and which is located in or partly within a county with a charter form of government with greater than two hundred fifty thousand inhabitants but fewer than three hundred thousand inhabitants.**

**3. This subsection shall not apply to tax increment financing projects or districts approved prior to July 1, 2003, and shall allow the aforementioned tax increment financing projects to modify, amend or expand such projects including redevelopment project costs by not more than forty percent of such project original projected cost including redevelopment project costs as such projects including redevelopment**

**project costs as such projects redevelopment projects including redevelopment project costs existed as of June 30, 2003, and shall allow the aforementioned tax increment financing district to modify, amend or expand such districts by not more than five percent as such districts existed as of June 30, 2003."**

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

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators		
Kinder	Rohrbach	Singleton—3

Absent—Senators	
Russell	Schneider—2

Absent with leave—Senator DePasco—1

On motion of Senator Childers, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1107

An Act to repeal sections 87.207, 87.235, 99.847, 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 321.130 and 321.180, RSMo, and to enact in lieu thereof forty-four new sections relating to emergency services, with penalty provisions.

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
Klarich	Klindt	Loudon	Mathewson
Quick	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

## NAYS—Senators

Kinder	Rohrbach	Singleton—3
--------	----------	-------------

## Absent—Senators

Russell	Schneider—2
---------	-------------

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1689**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1717**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1717, Page 23, Section B, Line 2, by striking the numeral “2002” and inserting in lieu thereof the numeral “2004”.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1689**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1717**, with **SCS** and **SCA 1**, entitled:

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.326, and 197.366, RSMo, and to enact in lieu thereof thirteen new sections relating to the certificate of need program of the department of health and senior services.

Was taken up by Senator Gibbons.

**SCS** for **HCS** for **HB 1717**, with **SCA 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1717

An Act to repeal sections 197.305, 197.310, 197.311, 197.315, 197.317, 197.326, 197.366 and 430.225, RSMo, relating to the certificate of need program of the department of health and senior services, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

### 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 adopted the Conference Committee Report on **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**, as amended, and has taken up and passed **CCS** for **HS** for **SS No. 2** for **SCS** for **SBs 984** and **985**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, for **HB 1600** and has taken up and passed **SS No. 2** for **HB 1600**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has adopted **SCS** for **HB 2137** and has taken up and passed **SCS** for **HB 2137**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1406** and has taken up and passed **SCS** for **HB 1406**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HS** for **HB 1455** and has taken up and passed **SS** for **SCS** for **HS** for **HB 1455**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1634** and has taken up and passed **SCS** for **HB 1634**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 1086** and **1126** and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 1086** and **1126**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS No. 2** for **SS** for **SCS** for **SBs 969**, **673** and **855**, as amended, and has taken up and passed **CCS** for **HS No. 2** for **SS** for **SCS** for **SBs 969**, **673** and **855**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House receded from **HS** for **HCS**, as amended, to **SB 856**, and has taken up and truly agreed to and finally passed **SB 856**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 1107** and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1107**, as amended by Conference Committee Amendment No. I.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SBs 923**, **828**, **876**, **694** and **736**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SBs 923**, **828**, **876**, **694** and **736**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SBs 915**, **710** and **907**, as amended, and has taken up and passed **CCS** for **HS** for **SCS** for **SBs 915**, **710** and **907**.

Bill ordered enrolled.

**COMMUNICATIONS**

President Pro Tem Kinder submitted the following:

May 17, 2002

The Honorable Bob Holden  
Governor of Missouri  
State Capitol, Room 216  
Jefferson City, MO 65101

**RE: Appointment to the Missouri State Employees Retirement System Board of Trustees**

Dear Governor Holden:

Pursuant to Section 104.450 (RSMo 2000), I am appointing Senator Ed Quick (Democrat), State Capitol, Room 331A, Jefferson City, Missouri 65101 to serve on the Missouri State Employees

Retirement System Board of Trustees. Ed will be an excellent representative for all state employees on this board.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder  
PETER D. KINDER  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Tuesday, May 28, 2002.

Unofficial



Bill

Copy