

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY—TUESDAY, APRIL 29, 2003

The Senate met pursuant to adjournment.

Senator Childers in the Chair.

Reverend Carl Gauck offered the following prayer:

“We are called to explore the depths in ourselves, in other people and in the whole of our society, and in discovering them we need to see that these are not separate depths.” (Mother Superior Mary Clare)

Gracious Lord, as we take these moments with You we become aware of all with whom we are connected and depend upon. Help us never to forget those of our office staff who do so much for us and often are overlooked when praise is handed out. Bless all of us with patience and a sense of service as we follow Your lead and serve the people of Missouri. 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 KRCG-TV, the Associated Press, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 804, regarding Kayla Trankle, Leopold, which was adopted.

Senator Kinder offered Senate Resolution No. 805, regarding Nicholas Farrow, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 806, regarding Emma Cook, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 807, regarding Cierra Davis, Patton, which was adopted.

Senator Kinder offered Senate Resolution No. 808, regarding Alexis Simmons, Patton, which was adopted.

Senator Kinder offered Senate Resolution No.

809, regarding Landon Thompson, Patton, which was adopted.

Senator Childers offered Senate Resolution No. 810, regarding Darwin “Bud” Strohm Early Childhood Development Center, Reeds Spring, which was adopted.

CONCURRENT RESOLUTIONS

Senator Loudon moved that **SCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Loudon, **SCR 3** was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—24

NAYS—Senators

Bray	Coleman	Days	Wheeler—4
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Absent—Senators

Bland	Dolan	Dougherty	Jacob
Quick—5			

Absent with leave—Senator DePasco—1

Senator Steelman moved that **SCR 11** be taken up for third reading and final passage, which motion prevailed.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 11, appearing on Page 317 of the Senate Journal, February 26, 2003, Column 2, Lines 34-35 of said column, by striking “the University of Missouri-Kansas City Hospitals and Clinics shall establish” and inserting in lieu thereof the following: “any teaching hospital under the control of public universities in the state shall evaluate the establishment of”; and further amend line 41 of

said column, by inserting immediately after the word “be” the following: “subject to appropriations and”; and

Further amend said resolution, page 318, column 1, line 2 of said column, by inserting immediately after the word “available” the following: “if the department, in its judgment, concludes such program is beneficial to the health care system of Missouri”.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 11, appearing on Page 317 of the Senate Journal, February 26, 2003, Column 2, Line 56, by adding after said line the following:

“(6) fully disclose to the patient the value of second opinions from financially disinterested parties.”.

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

On motion of Senator Steelman, **SCR 11**, as amended, was read the third time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—29			

NAYS—Senator Coleman—1

Absent—Senators

Bland	Quick	Stoll—3
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Absent with leave—Senator DePasco—1

The President declared the concurrent

resolution passed.

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

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

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

Senator Dolan moved that **SCR 14** be taken up for adoption, which motion prevailed.

Senator Jacob offered **SS** for **SCR 14**:

SENATE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the States are financially in crisis and the education and health care of our children are at risk, we the people of the state of Missouri request the federal government to provide the States financial aid in order to prevent the deterioration of our infrastructure, educational and health care system.

Senator Jacob moved that **SS** for **SCR 14** be adopted.

Senator Shields raised the point of order that **SS** for **SCR 14** is out of order, as it goes beyond the scope of the original concurrent resolution.

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

SCR 14 was again taken up.

Senator Dolan requested unanimous consent of the Senate to make the following technical change to paragraph 7, line 2: “States and Congress be urged to consider planning and funding a missile defense”, which request was granted.

On motion of Senator Dolan, **SCR 14** was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott

Shields	Stoll	Vogel
Steelman		
Yeckel—25		

NAYS—Senators

Bray	Coleman	Days	Dougherty
Jacob	Wheeler—6		

Absent—Senators

Bland	Quick—2
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Absent with leave—Senator DePasco—1

Senator Goode moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 16** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Gross—3
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Absent with leave—Senator DePasco—1

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SB 394**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SB 448**, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 4**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

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

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Russell	Steelman—4
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Absent with leave—Senator DePasco—1

On motion of Senator Caskey, **SCS** for **SB 4**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Dolan	Kennedy—4
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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 Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SCS** for **SB 7**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 7**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 7

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

Was taken up.

Senator Mathewson moved that **HCS** for **SCS** for **SB 7** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 7** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Gross—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 Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that the Senate refuse to concur in **HCS** for **SCS No. 2** for **SB 52**, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 695** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senators Goode and Russell offered **SS No. 2** for **SB 695**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE BILL NO. 695

An Act to repeal sections 208.010, 208.015, 208.151, 208.152, 208.153, 208.154, 208.156, 208.162, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu

thereof ten new sections relating to medical services and eligibility, with an emergency clause.

Senator Goode moved that **SS No. 2** for **SB 695** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting “**eighty**” on said line and inserting in lieu thereof “**ninety**”.

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

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Wheeler—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel—21			

Absent—Senator Kinder—1

Absent with leave—Senator DePasco—1

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 9, Section 208.010, Line 16 of said page, by striking the opening bracket “[” on said line; and further amend lines 19-24 of said page, by striking all of said lines and inserting in lieu thereof the following: “Title XVIII Medicare Part B, except.”; and

Further amend page 33, section 208.152, line

1, by striking the opening bracket “[”]; and

Further amend said page, line 3, by striking “[all covered services”]; and

Further amend said bill, Page 33, Section 208.152, Lines 17-18 of said page, by striking all of said lines and inserting in lieu thereof the following: “be in addition to, and not in lieu of, any payments made by the state for goods or services described herein.”.

Senator Shields moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 2**:

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

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 9, Section 208.010, Line 16 of said page, by striking the opening bracket “[” on said line; and further amend lines 19-24 of said page, by striking all of said lines and inserting in lieu thereof the following: “Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.”; and

Further amend page 33, section 208.152, line 1, by striking the opening bracket “[”]; and

Further amend said page, line 3, by striking “[all covered services”]; and

Further amend said bill, Page 33, Section 208.152, Lines 16-19 of said page, by striking all of said lines and inserting in lieu thereof the following: “by recipients under this section shall be in addition to, and not in lieu thereof, any payments made by the state for goods or services described herein.”.

Senator Shields moved that the above substitute amendment be adopted.

Senator Russell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Cauthorn, Gibbons, Goode and Scott.

SSA 1 for **SA 2** was adopted by the following

vote:

YEAS—Senators

Bland	Bray	Caskey	Cauthorn
Champion	Coleman	Days	Dolan
Dougherty	Foster	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler—23	

NAYS—Senators

Bartle	Childers	Clemens	Gibbons
Goode	Kinder	Nodler	Russell
Yeckel—9			

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting “**eighty**” on said line and inserting in lieu thereof “**ninety-five**”.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Jacob and Kennedy.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Jacob	Kennedy	Quick	Shields
Steelman	Stoll	Wheeler—15	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Vogel
Yeckel—17			

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 39, Section 208.162, Line 20 of said page, by inserting after all of said line the following:

“208.565. 1. The division shall negotiate with manufacturers for participation in the program. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the Missouri Senior Rx program. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days' notification.

2. **For all transactions occurring prior to July 1, 2003, the rebate amount for each drug shall be fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). For all transactions occurring on or after July 1, 2003, the rebate amount for [each drug] name brand prescription drugs shall be fifteen percent and the rebate amount for generic prescription drugs shall be eleven percent** of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. In order to receive a certificate of participation a manufacturer or distributor participating in the Missouri Senior Rx program shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false

information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to this section is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

3. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program. There shall be no drug formulary, prior approval system, or any similar restriction imposed on the coverage of outpatient drugs made by pharmaceutical manufacturers who have agreements to pay rebates for drugs utilized in the Missouri Senior Rx program, provided that such outpatient drugs were approved by the Food and Drug Administration.

4. Any prescription drug of a manufacturer that does not participate in the program shall not be reimbursable.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Bill No. 695, Page 20, Section 208.151, Line 12, by deleting “**eighty**” and inserting in lieu thereof “**one hundred**”.

Senator Caskey moved that the above

amendment be adopted.

At the request of Senate Caskey, **SA 5** was withdrawn.

Senator Goode moved that **SS No. 2** for **SB 695**, as amended, be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SS No. 2** for **SB 695** and was joined in his request by Senators Bray, Coleman, Days and Jacob.

SS No. 2 for **SB 695**, as amended, was adopted by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Yeckel—19	

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Jacob
Kennedy	Quick	Steelman	Stoll
Wheeler—13			

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

On motion of Senator Goode, **SS No. 2** for **SB 695**, as amended, was declared perfected and ordered printed.

On motion of Senator Gibbons, the Senate recessed until 2:45 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 236** and **SS** for **SB 242**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

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 **HCS** for **SB 407** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 407**. Representatives: Luetkemeyer, Parker, Richard, Ward, Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 552** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 552**. Representatives: Byrd, Smith (118), Ruestman, Haywood, Donnelly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SBs 299** and **40**, as amended and grants

the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SCS** for **SBs 299** and **40**, as amended. Representatives: Bearden, Lager, Holand, Campbell, and Lowe.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 401** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 401**. Representatives: Byrd, Pratt, Lipke, Jolly, and Bringer.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 407**: Senators Klindt, Loudon, Scott, Kennedy and Stoll.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 600**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SSA 1 for **SA 7** was again taken up.

At the request of Senator Shields, the above substitute amendment was withdrawn.

SA 7 was again taken up.

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

Senator Shields offered **SS** for **SS** for **SCS** for **HCS** for **HB 600**, entitled:

SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 600

An Act to repeal sections 32.057, 67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.081, 144.250, 191.831, 196.365, 196.367, 196.370, 196.375, 196.380, 196.385, 196.390, 196.395, 196.400, 196.405, 196.415, 196.420, 196.425, 196.430, 196.435, 196.436, 196.440, 196.445, 208.565, 301.190, 302.304, 302.540, 306.016, 338.501, 338.515, 338.520, 338.525, 338.545, 338.550, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof thirty-four new sections relating to tax and fee revenue, with penalty provisions and an emergency clause.

Senator Shields moved that **SS** for **SS** for **SCS** for **HCS** for **HB 600** be adopted.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17 of said page, by inserting immediately after said line the following:

“339.105. 1. Each broker **who holds funds belonging to another** shall maintain **such funds in a separate bank** [checking] account in a financial institution[, either a bank, savings and loan association or a credit union in this state, or in an adjoining state with written permission of the commission,] which shall be designated an escrow or trust account [in which all money not his own coming into his possession, including]. **This requirement includes** funds in which he **or she** may have some future interest or claim[.]. **Such**

funds shall be deposited promptly unless all parties having an interest in the funds have agreed otherwise in writing. No broker shall commingle his **or her** personal funds or other funds in this account with the exception that a broker may deposit and keep a sum not to exceed [five hundred] **one thousand** dollars in the account from his **or her** personal funds, which sum shall be specifically identified and deposited to cover service charges related to the account. [The commission may, by written waiver issued for good cause as defined by rule and regulation, relieve a broker from the obligation to maintain a separate escrow or trust account.]

2. [Before issuance of a broker license,] Each broker shall notify the commission of the name of **his or her intent not to maintain an escrow account, or the name of** the financial institution in which each escrow or trust account is maintained, the name and number of each such account, and shall file written authorization directed to each financial institution to allow the commission or its authorized representative to examine each such account; such notification and authorization shall be submitted on forms provided therefor by the commission [but shall not be required in any case where maintenance of an escrow or trust account has been waived pursuant to subsection 1 of this section]. A broker shall notify the commission within [fifteen] **ten business** days of any change of **his or her intent to maintain an escrow account, the financial institution [or], account numbers, or change in account status.**

3. In conjunction with each escrow or trust account a broker shall maintain [at his usual place of business,] books, records, contracts and other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be [open] **provided** to [inspection by] the commission and its duly authorized agents **for inspection** at all times during regular business hours at the broker's usual place of business.

4. **Whenever the ownership of any escrow moneys received by a broker pursuant to this section is in dispute by the parties to a real estate sales transaction, the broker shall report and deliver the moneys to the state treasurer within three hundred sixty-five days of the date of the initial projected closing date in compliance with sections 447.500 to 447.595, RSMo. The parties to a real estate sales transaction may agree in writing that the funds are not in dispute and shall notify the broker who is holding the funds.**

5. A broker shall not be entitled to any [part of the earnest] money or other money paid to him **or her** in connection with any real estate sales transaction as part or all of his **or her** commission or fee until the transaction has been consummated or terminated, unless agreed in writing by all parties to the transaction.

[5.] 6. When, through investigations or otherwise, the commission has reasonable cause to believe that a licensee has acted, is acting or is about to act in violation of this section, the commission may, through the attorney general or any [of his] assistants designated by [him] **the attorney general**, proceed in the name of the commission to institute suit to enjoin any act or acts in violation of this section.

[6.] 7. Any such suit shall be commenced in either the county in which the defendant resides or in the county in which the defendant has acted, is acting or is about to act in violation of this section.

[7.] 8. In such proceeding, the court shall have power to issue such temporary restraining or injunction orders, without bond, which are necessary to protect the public interest. Any action brought under this section shall be in addition to and not in lieu of any other provisions of this chapter. In such action, the commission or the state need not allege or prove that there is no adequate remedy at law or that any individual has suffered any economic injury as a result of the activity sought to be enjoined.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 13, Section 71.620, Lines 14-17, by striking all of said lines.

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

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 56-61, Section 306.016, by striking all of said section and inserting in lieu thereof the following:

“306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number [under] **pursuant to** section 306.030 and all applicable state and local [or in lieu watercraft] taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes [or in lieu watercraft taxes] have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A

certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

2. [A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable

sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF WATERCRAFT	TAX DUE
\$50,000 or less	\$ 650.00
\$50,001 to \$100,000	1,250.00
\$100,001 to \$150,000	1,850.00
\$150,001 to \$200,000	2,450.00
\$200,001 and above	3,050.00

3.] The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number [under] **pursuant to** section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] **3.** The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall

make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued [under] **pursuant to** this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] **4.** Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned

certificate of registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation.”; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Jacob and Stoll.

SA 3 was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Dolan—2

Absent with leave—Senator DePasco—1

Senator Gibbons offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21 of said page, by inserting after all of said line the following:

“143.091. **1.** Any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. **For taxes due on or after December 31, 2003,** any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto **enacted on or before January 1, 2003,** and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective[, at any time or from time to time,] **on or before January 1, 2003,** for the taxable year.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director or revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:

(1) The changes of the Internal Revenue Code of 1986;

(2) The impact of those changes on state revenue; and

(3) The impact of those changes on the various classes and types of taxpayers.

3. The provisions of subsections 1-2 of this section shall expire December 31, 2008.

4. Beginning January 1, 2009, any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Beginning January 1, 2009, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States

relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year."; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 12, Section 71.620, Line 28 of said page, by striking the opening bracket "[" and closing bracket "]" on said line; and further amend line 29 of said page, by striking all of said line; and

Further amend said bill, Page 13, Section 71.620, Line 1 of said page, by striking all of said line and inserting in lieu thereof the following: "surgeon in this state, shall be taxed or made"; and further amend line 4 of said page, by inserting after "calling," the following: "**and, after December 31, 2003, no investment funds service corporation as defined in section 143.451, RSMo, may be required to pay any such license fee in excess of twenty-five thousand dollars annually,**".

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

Senator Mathewson offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 61, Section 313.826, Line 13, by deleting "winnings of six hundred" and inserting in lieu thereof the following: "**electric gaming device or table game jackpots of twelve hundred**".

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

Senator Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 32.057, Line 18 of said page, by inserting immediately after said line the following:

"59.319. 1. A user fee of four dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any instrument. The state portion of the fee shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and deposited in a recorder's fund and not in county general revenue for record storage, microfilming, and preservation, including anything necessarily pertaining thereto. The recorder's funds shall be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of the recorder and shall not be used to substitute for or subsidize any allocation of general revenue for the operation of the recorder's office without the express consent of the recorder. The recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance shall be left in the fund to accumulate from year to year with interest.

2. An additional fee of [three] **five** dollars shall be charged and collected by every recorder in this state, over and above any other fees required by law, as a condition precedent to the recording of any [instruments specified in subdivisions (1) and (2) of section 59.330] **instrument**. The fees collected from this additional [three] **five** dollars per recorded instrument shall be forwarded monthly by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited by the director in the state treasury.

3. The state treasurer and the commissioner of

administration shall establish an appropriate account within the state treasury and in accordance with the state's accounting methods. Any receipt required by this section to be deposited in the general revenue fund shall be credited as follows: the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized for the purposes of sections [60.500] **60.510** to 60.610, RSMo; the amount of one dollar for each fee collected under subsection 1 of this section to an account to be utilized by the secretary of state for additional preservation of local records; and the amount of [three] **five** dollars collected under subsection 2 of this section into the Missouri housing trust fund as designated in section 215.034, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 7** is out of order, as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Goode, **SA 7** was withdrawn, rendering the point of order moot.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Pages 26-28, Section 144.025 of said pages, by striking all of said section and inserting in lieu thereof the following:

“144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsections [3] **4 and 5** of this section, where any article **on which sales or use tax has been paid, credited or otherwise satisfied or which was exempted or**

excluded from sales or use tax is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. **Where the article being traded in for credit or part payment is a motor vehicle, trailer, boat or outboard motor the person trading in the article must be the owner or holder of a properly assigned certificate of ownership. For the purpose of determining sales or use tax liability from a sale of a motor vehicle, trailer, boat or outboard motor, no deduction shall be allowed from the purchase price of the motor vehicle, trailer, boat or outboard motor for the actual allowance of any article other than a motor vehicle, trailer, boat or outboard motor traded or exchanged as a credit or partial payment for such item.** Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent

motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period.

2. As used in this section, the term “boat” includes all motorboats and vessels, as the terms “motorboat” and “vessel” are defined in section 306.010, RSMo.

3. As used in this section, the term “motor vehicle” includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the “Manufacturer's Statement of Origin” for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state.

5. Any purchaser of a motor vehicle or trailer used for agricultural use by the purchaser shall be allowed to use as an allowance to offset the sales and use tax liability towards the purchase of the motor vehicle or trailer any grain or livestock produced or raised by the purchaser. The director of revenue may prescribe forms for compliance with this subsection.”

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

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 7, Section 32.057, Line 18 of said page, by inserting after all of said line the following:

“34.010. 1. The term “department” as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments.

2. The term “negotiation” as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

3. The term “purchase” as used in this chapter shall include the rental or leasing of any equipment, articles or things.

4. The term “supplies” used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393, RSMo, or as in this chapter otherwise provided.

5. The term “reverse auction” used in this chapter shall mean a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the first, lowest, responsive, and responsible bidder. During the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

34.031. 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources,

shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section.

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

(2) Review and modify the contract specifications for paper products and increase the minimum required percentage of recycled paper in each product as follows:

(a) Forty percent recovered materials for newsprint;

(b) Eighty percent recovered materials for paperboard;

(c) Fifty percent waste paper in high grade printing and writing paper;

(d) Five to forty percent in tissue products;

(3) Support federal incentives and policy guidelines designed to promote these goals;

(4) Develop and implement a cooperative procurement policy to facilitate bulk order purchases and to increase availability of recycled

products. The policy shall be distributed to all state agencies and shall be made available to political subdivisions of the state[;

(5) Conduct a survey using existing staff of those items customarily required by the state that are manufactured in whole or part from polystyrene plastic, and report its findings, together with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration with the department of natural resources, to the general assembly and every state agency within six months of August 28, 1995].

3. Notwithstanding the provisions of this section, no state agency may purchase any food or beverage containers or wrapping manufactured from any polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical.

4. No state agency may purchase any items made in whole or part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental Protection Agency (EPA) to be an ozone-depleting chemical without approval from the commissioner of administration. Approval shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director of the department of natural resources and the commissioner that there is no environmentally more acceptable alternatives or the quality of such alternatives is not adequate for the purpose intended.

5. For each paper product type and corresponding recycled paper content standard pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[:

(1) Ten percent in 1991 and 1992;

(2) Twenty-five percent in 1993 and 1994;

(3) Forty percent in 1995; and

(4)] sixty percent by 2000.

6. In the review of capital improvement projects for buildings and facilities of state government, the commissioner of administration shall direct the division of design and construction to give full consideration to alternatives which use solid waste, as defined in section 260.200, RSMo, as a fuel for energy production or which use products composed of materials recovered from solid waste.

7. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall prepare and provide by January first of each year an annual report summarizing past activities and accomplishments of the program and proposed goals of the program including projections for each affected agency. The report shall also include a list of products utilizing recovered materials that could substitute for products currently purchased and a schedule of amounts purchased of products utilizing recovered materials compared to purchases of similar products utilizing virgin materials for the period covered by the annual report.

8. The office of administration, department of natural resources and department of economic development shall cooperate jointly and share to the greatest extent possible, information and other resources to promote:

(1) Producers or potential producers of secondary material goods to expand or develop their product lines;

(2) Increased demand for secondary materials recovered in Missouri; and

(3) Increased demand by state government for products which contain secondary materials recovered in Missouri.

9. The commissioner of administration may increase minimum recycled content percentages for paper products, minimum recycled content percentages for other recycled products and

establish minimum post-consumer content as such products become available. The preference provided in subsection 1 of this section shall apply to the minimum standards established by the commissioner.

34.032. 1. The provisions of section 34.040 to the contrary notwithstanding, each department and agency of the state government, including the general assembly, shall purchase, in the manner provided by law, and use recycled paper when recycled paper can be obtained that is comparable to the quality presently used by the department or agency and if the price is competitive. [For the purposes of this section, "competitive" means a price within ten percent of the price of items which are manufactured or produced from virgin materials.] Attainment goals for the percentage of paper products to be purchased that utilize post-consumer recovered materials shall be[:

(1) Ten percent in 1991 and 1992;

(2) Twenty-five percent in 1993 and 1994;

(3) Forty percent in 1995; and

(4)] sixty percent by 2000.

2. Each department and agency of state government shall also purchase a minimum of fifteen percent recycled motor oil for use in motor vehicles.

3. Each department and agency of state government shall cause to be recycled:

(1) A minimum of twenty-five percent of paper products used or fifty percent of the paper disposed of, whichever is greater;

(2) Seventy-five percent of all used motor oil.

4. Each department and state agency shall, to the maximum extent practicable, separate plastics, paper, metals and other recyclable items [by July 1, 1990].

5. [By January 1, 1990,] Each department and state agency shall develop, in cooperation with the office of administration, and implement a policy

for recycling and waste reduction. Each department and agency shall collect and recycle waste paper and empty aluminum beverage containers generated by employee activity. The office of the governor and the general assembly shall implement a policy for recycling and waste reduction and shall collect and recycle waste paper and aluminum beverage containers generated within its facilities. Recycling programs for agency offices located outside of the city of Jefferson may be coordinated through the office of administration or operated locally provided that the office of administration reviews and approves such programs. Proceeds from the sale of recycled materials may be used to offset costs of the recycling program. Any moneys found by the office of administration to be in excess of costs incurred shall be transferred to the department of social services to be used by the heating assistance program pursuant to sections 660.100 to 660.135, RSMo.

6. The department of higher education, in cooperation with the office of administration and state colleges and universities, shall develop and distribute guidelines for waste reduction and the collection of recyclable materials generated in classrooms, administrative offices, dormitories, cafeterias and similar campus locations.

7. Bid specifications for solid waste management services issued by any department or agency of state government shall be designed to meet the objectives of sections 260.255 to 260.325, RSMo, encourage small businesses to engage and compete in the delivery of waste management services and to minimize the long run cost of managing solid waste. Bid specifications shall enumerate the minimum components and minimum quantities of waste products which shall be recycled by the successful bidder. Bids for solid waste management services to state departments and agencies located within the seat of government shall be issued in units in order to maximize opportunities for small business to provide solid waste management services to the state. Each department and agency shall designate one person

in an existing position to serve as a solid waste management coordinator to ensure that the agency and the office of administration cooperate to meet the requirements of this section.

34.062. The negotiated underwriting of obligations issued by or on behalf of this state, any state governmental entity, or any state agency, shall be senior managed by underwriting firms headquartered in this state, as long as such companies are qualified and price competitive.

34.070. In making purchases, the commissioner of administration shall give preference to all commodities manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

34.073. 1. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give preference to all firms, corporations, or individuals doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quoted is the same or less. **The commissioner of administration may also give such preference whenever competing bids, in their entirety, are comparable.**

2. Notwithstanding the requirements of subsection 1 of this section, the commissioner of administration shall give further preference as required by section 34.076.”; and

Further amend said bill, Page 78, Section 2, Line 27 of said page, by inserting after all of said line the following:

“[34.065. Where, because of the large number of possible bidders for a particular purchase, it is impractical to submit a request for a bid to all possible bidders each time a bid is requested, request shall be made in rotation pursuant to the regulation of the commissioner of administration so as ultimately to include all the possible bidders, except that recognized competitive bidders shall be solicited in each instance.]

[34.130. On or before May first of each year, each department shall submit to the commissioner of administration a classified list of its estimated needs for supplies for the following fiscal year. The commissioner of administration shall consolidate these and may purchase the entire amount or such part thereof at one time as he shall deem best. Any contract for such purchases may provide only the price at which the supplies needed during the year shall be purchased and that the supplies shall be delivered in such amounts and at such times as ordered throughout the year and be paid for at such time and for such amounts as delivered. In such case, certification from the commissioner of administration and the auditor shall be required only for the amount ordered at any time.]”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 15, Section 136.325, Line 21 of said page, by

inserting after all of said line the following:

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

(1) “Fuel ethanol”, one hundred ninety-eight proof ethanol denatured in conformity with the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) “Fuel ethanol blends”, a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) “Missouri qualified fuel ethanol producer”, any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes, and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The “Missouri Qualified Fuel Ethanol Producer Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. **On or before December 31, 2011, the department shall assess a surcharge of eighteen dollars on all petroleum products within this state which are enumerated by section 414.032, RSMo. Except as specified by this section, such surcharge shall be administered pursuant to the provisions of subsections 1 to 3 of section 414.102, RSMo, and subsections 1 and 2 of section 414.152, RSMo. Such surcharge shall be imposed upon such petroleum products within**

this state and shall be assessed on each transport load, or the equivalent of an average transport load if moved by other means. Fifty-five percent of the revenue generated by the assessment of such surcharges shall be deposited to the credit of the Missouri qualified fuel ethanol producer incentive fund. The remaining forty-five percent shall be deposited to the credit of the Missouri qualified biodiesel incentive fund created pursuant to section 142.031. Railroad corporations as defined in section 388.010, RSMo, and airline companies as defined in section 155.010, RSMo, shall not be subject to the load fee described in this chapter. The department shall have rule making authority to collect and distribute the surcharges imposed in this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

4. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original

sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection [4] 5 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

[4.] 5. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

- (1) The location of the Missouri qualified fuel ethanol producer;
- (2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if applicable;

(3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;

(4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;

(5) A copy of the qualified fuel ethanol producer license required pursuant to subsection [5] 6 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection [5] 6 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

[5.] 6. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

[6.] 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

142.031. 1. As used in this section the following terms shall mean:

(1) "Biodiesel", fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) "Qualified biodiesel producer", a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and at least fifty-one percent is owned by agricultural producers actively engaged in agricultural production for commercial purposes.

2. The "Missouri Qualified Biodiesel Producer Incentive Fund" is hereby created and subject to appropriations with funds, other than general revenue funds, **including funds assessed pursuant to subsection 2 of section 142.028**, shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of fifteen gallons shall not be applied to the computation of a grant pursuant to this subsection. The department

of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is

subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

Senator Dolan offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 63, Section 338.550, Line 17, by inserting immediately after said line the following:

“479.051. 1. Any city, county or township may provide by ordinance an administrative adjudication system for adjudicating parking and other non-moving municipal code violations to the extent permitted by court rules. The adoption by a city, county, or township of an administrative adjudication system does not preclude the city, county, or township from using other methods to enforce ordinances. This statute shall not affect the validity of other administrative adjudication systems authorized by state law and created prior to the effective date of this statute.

2. An ordinance establishing an administrative adjudication system shall provide for an administrative adjudication unit or alternative, which could include the municipal division of a circuit court, define the jurisdiction and role of that unit and describe

the means by which the municipality shall provide suitable facilities and operating resources for operating the administrative adjudication system. The ordinance shall designate the types of municipal code violations deemed appropriate for administrative adjudication consistent with applicable state law. The administrative adjudication unit shall operate under the supervision of the circuit court.

3. The administrative adjudication unit, as provided in this section, shall establish and maintain a system for adjudicating parking violations and any other municipal code violations designated for administrative adjudication by ordinance. The administrative adjudication system shall include operating policies and procedures, including but not limited to, appeal criteria, documentation requirements, notification deadlines, and forms, subject to the approval of the circuit court. The administrative adjudication system shall afford parties due process of law.

4. The adjudication process may involve a one-step administrative hearing or a two-step administrative review and administrative hearing. If the city, county, or township adopts a one-step process, individuals must apply for an administrative hearing to contest a municipal code violation. If the city, county, or township adopts a two-step process, individuals must first apply for an administrative review to contest a municipal code violation and then, if dissatisfied with the results of the administrative review, may apply for an administrative hearing. Any failure to request an administrative review or hearing in accordance with the rules established by the administrative adjudication unit, as provided in this section, shall be considered an admission of liability.

5. The administrative reviews and hearings authorized pursuant to this section shall be designed to ensure a fair and impartial

consideration of the contested code violation. The formal and technical rules of evidence shall not apply in any administrative review or hearing authorized pursuant to this section. Evidence, including hearsay, may be admitted only if it is the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs. The officer or person who issued the notice of municipal code violation shall not be required to participate in an administrative review or hearing. The agency that issued the municipal code violation need not produce any evidence other than the notice of municipal code violation or copy thereof and information received from an appropriate state or local agency identifying the property owner of record. Such documentation in proper form shall be prima facie evidence of the municipal code violation.

6. An administrative review shall entail an informal review process through which the individual may contest a municipal code violation by mail, in person or other means approved by the administrative adjudication unit, as provided in subsection 2 of this section. The individual's right to an administrative review shall expire if the city does not receive a documented challenge to the municipal code violation within seven calendar days of issuing the original violation or the time period prescribed by local ordinance, whichever is later. In a city, county, or township adopting the two-step administrative adjudication process, individuals who fail to exercise their right to an administrative review in accordance with the prescribed rules shall also lose their right to an administrative hearing. The administrative adjudication unit, as provided in subsection 2 of this section, shall appoint or contract with qualified individuals to conduct administrative reviews.

7. An administrative hearing shall entail a formal hearing through which the individual may contest a municipal code violation or, for a

city, county, or township with a two-step appeal process, an administrative review finding in person before an administrative hearing officer. Administrative hearings shall be scheduled with reasonable promptness and any notice of an administrative hearing shall include the code violation type and nature, the administrative hearing date and location, the legal authority and jurisdiction of the administrative adjudication unit, as provided in this section, and the penalties for failing to appear at the hearing. The individual's right to an administrative hearing shall expire if the city does not receive a written challenge to the administrative review results within seven calendar days of notifying the individual of the results of the administrative review or, if the municipality has a one-step appeal process, fourteen calendar days of issuing the original violation.

8. The administrative adjudication unit, as provided in this section, shall appoint or contract with qualified administrative hearing officers to preside over administrative hearings. As impartial and independent fact finders, administrative hearing officers may:

- (1) Hear testimony and review relevant evidence;
- (2) Issue subpoenas directing witnesses to appear and give relevant testimony;
- (3) Preserve and authenticate hearing records and evidence;
- (4) Issue written findings of fact and conclusions of law, including the fine, penalty, or action with which the parties must comply; and
- (5) Impose penalties and assess costs consistent with applicable law.

An administrative hearing officer shall be an attorney licensed to practice law in the state of Missouri for at least three years and possess sufficient competence to adjudicate municipal

code violations, including, but not limited to, experience in administrative law, familiarity with the rules of procedure for administrative hearings, and a working knowledge of each subject area of the municipal code violations that they will adjudicate. An administrative hearing officer's employment and compensation shall not, directly or indirectly, be linked to the amount of fines. The municipality may establish additional policies and procedures for ensuring that administrative hearing officers demonstrate the objectivity and qualifications necessary to conduct fair, impartial, and expeditious hearings.

9. An administrative adjudication unit may not impose a penalty of incarceration or a fine in excess of the amount allowed by state or local law. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures pursuant to chapter 536, RSMo, are a debt due and owing the municipality and may be collected in accordance with applicable law. Any fine, sanction, costs, or other charges assessed by the administrative adjudication unit shall be deposited into the municipal treasury in accordance with applicable state and local laws and rules for that particular municipality.

10. Any final decision by an administrative adjudication unit, as provided in this section, that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review pursuant to chapter 536, RSMo.

11. After expiration of the period in which judicial review pursuant to chapter 536, RSMo, may be sought for a final determination of a municipal code violation, unless stayed by a court of competent jurisdiction, the findings of fact and conclusions of law of the administrative hearing officer may be enforced in the same manner as a judgment entered by a court of

competent jurisdiction. If a defendant fails to comply with an order of the administrative hearing officer, any expenses incurred by the municipality to enforce the order, including, but not limited to, attorney, court, administrative, vehicle storage, and property demolition or foreclosure costs, after they are fixed by an administrative hearing officer or a court of competent jurisdiction, shall be a debt due the municipality and may be collected in accordance with applicable law. Upon being recorded in the manner required by state law or the uniform commercial code, a lien may be imposed on the real or personal property, or both, of the defendant in the amount of any debt due the municipality pursuant to this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 600, Page 13, Section 71.620, Line 17, by inserting after all of said line the following:

“92.110. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of seven hundred thousand inhabitants, according to the last federal decennial census, **except a city located not within a county which has requirements for any person applying for or holding a position of peace officer, as defined in subdivision (3) of section 590.010, RSMo, to reside within the limits of such city as a condition of employment,** is hereby authorized to levy and collect, by ordinance, for general revenue purposes, an earnings tax on the

salaries, wages, commissions and other compensation earned by its residents; on the salaries, wages, commissions and other compensation earned by nonresidents of the city for work done or services performed or rendered in the city; on the net profits of associations, business or other activities conducted by residents; on the net profits of associations, businesses or other activities conducted in the city by nonresidents; and on the net profits earned by all corporations as the result of work done or services performed or rendered and business or other activities conducted in the city.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Bray raised the point of order that SA 12 is out of order, as the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Shields, HCS for HB 600, with SCS, SS for SCS, SS for SS for SCS, SA 12 and the point of order (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred SS No. 2 for SB 695, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred SS No. 2 for SB 224; SCS for SB 238;

SB 250; SCS for SB 269; and SB 456, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 288**, with **SCS**; **HCS** for **HBs 517, 94, 149, 150** and **342**, with **SCS**; **HS** for **HB 668**, with **SCS**; and **SB 236** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 1022 through 1023 of the Senate Journal for Monday, April 28, 2003, to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SS** for **SCS** for **SBs 556** and **311**, entitled:

An Act to repeal sections 197.725, 198.006, 198.015, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.085, 198.086, 198.093, 198.105, 198.525, 198.526, 198.532, 565.186, 565.188, 570.145, 630.140, 630.165, 630.167, 660.078, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, 660.320, and 660.603, **RSMo**, and to enact in lieu thereof forty-five new sections relating to the protection of the elderly, with penalty provisions and an emergency clause for a certain section.

With House Amendment Nos. 1, 2, 3 and 7.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556

and 311, Pages 23 and 24, Section 208.225, Lines 1 to 37, by deleting all of said lines; and

Further amend said bill, Pages 49 and 50, Section B, Lines 1 to 6, by striking said Section from the bill; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 2, Section 197.500, Lines 7 and 8, by deleting all of said lines and inserting in lieu thereof the following:

“RSMo. For purposes of this section only, “knowingly” and “recklessly” shall have the meanings that are ascribed to them in this section. A person acts “knowingly” with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts “recklessly” when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.”; and

Further amend said bill, Page 9, Section 198.036, Line 18, by inserting after the words **“convicted of”** the following: **“, or pled guilty or nolo contendere to”**; and

Further amend said bill, Pages 12 and 13, Section 198.067, Lines 91 and 92, by deleting all of said lines and inserting in lieu thereof the following: **“licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this”**; and

Further amend said bill, Page 15, Section 198.070, Lines 77 and 78, by deleting all of said

lines and inserting in lieu thereof the following:

“purposes of this section only, “knowingly” and “recklessly” shall have the meanings that are ascribed to them in this section. A person acts “knowingly” with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts “recklessly” when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.”; and

Further amend said bill, Pages 16 and 17, Section 198.085, Lines 1 to 9, by deleting all of said lines; and

Further amend said bill, Page 17, Section 198.086, Line 1, by deleting the words “division of aging” and inserting in lieu thereof the following: “[division of aging] **department of health and senior services**”; and

Further amend said bill, Pages 18 and 19, Section 198.093, Lines 1 to 36, by deleting all of said lines; and

Further amend said bill, Page 30, Section 630.167, Line 42, by inserting the word “**of**” after the word “copies”; and

Further amend said bill, Page 32, Section 630.167, Line 86, by deleting the number “6042” and inserting in lieu thereof the following: “[6042] **Sections 15042 to 15044**”; and

Further amend said bill, Page 33, Section 660.078, Line 5, by deleting the words “division of aging” and inserting in lieu thereof the following: “[division of aging]”; and

Further amend said bill, Page 38, Section 660.300, Lines 94 to 96, by deleting all of said lines and inserting in lieu thereof the following:

“in-home services provider agency or home health agency. For purposes of this section

only, “knowingly” and “recklessly” shall have the meanings that are ascribed to them in this section. A person acts “knowingly” with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts “recklessly” when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency that”; and

Further amend said bill, Page 47, Section 660.603, Lines 6 and 7, by deleting all of said lines and inserting in lieu thereof the following:

“2. The office shall be administered by the state ombudsman, who shall devote his **or her** entire time to the duties of his **or her** position.”; and

Further amend said bill, Page 49, Section 660.603, Line 50, by inserting after the word “**rule**” the following: “**in accordance with chapter 536, RSMo,**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Pages 5 and 6, Section 198.015, Lines 1 to 53, by deleting all of said lines and inserting in lieu thereof the following:

“198.015. 1. No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a**

resident of the facility has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning operating unlicensed facilities. For complaints alleging abuse or neglect, the department shall initiate an investigation within twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated within forty-five days.

2. If the department determines the unlicensed facility is in violation of sections 198.006 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney general's office.

3. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

[3.] **4. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:**

(1) With respect to a partnership, a change in the majority interest of general partners;

(2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;

(3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

[4.] **5. Licenses shall be posted in a conspicuous place on the licensed premises.**

[5.] **6. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.**

[6.] **7. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.**

[7.] **8. The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.**

[8.] **9. The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator.; and**

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

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 12, Section 198.067, Line 72, by inserting after the word "**facilities.**" the following:

"Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the

powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 298**, entitled:

An Act to repeal sections 311.080, 311.097, 311.098, 311.102, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.401, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof nineteen new sections relating to liquor control, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 4, Section 311.102, Lines 12 and 13, by deleting all of said lines and inserting in lieu thereof the following: “more which is located in more than one county [which has occupancy capacity for patrons of at least three hundred and] which has gross annual sales in excess of two hundred fifty thousand”; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting at the end of said line the

following: “**This section shall fully preempt and supersede any ordinances, rules, or regulations made by an city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee.**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 11, Section 312.410, Line 7, by inserting after all of said line the following:

“573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than [ten] **five** percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

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

Shall the city or county of (city's or county's name) impose a sales tax upon adult cabarets of (Insert amount) for a period not to exceed (Insert number) years for the

purpose of investigating the background of the employees of such businesses?

YES NO

If you are in favor of the question, place an “X” in the box opposite “Yes”. If you are opposed to the question, place an “X” in the box opposite “No”. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county solely for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection

which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the “City and County Background Check Tax Trust Fund”. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify

each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

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

8. As used in this section, the term "city" means any city not within a county.

573.509. 1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 10, Section 311.401, Line 12, by inserting after all of said line the following:

“311.480. 1. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor **or nonintoxicating beer**, to permit the drinking or consumption of intoxicating liquor **or nonintoxicating beer**, in[, on, or about] the premises [between 10:00 p.m. and 6:00 a.m. the following day], without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of liquor control on forms to be prescribed by him, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in

this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor **or nonintoxicating beer** shall not be permitted in or[,] upon[, or about] the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of [12:00 midnight Saturday] **1:30 a.m. Sunday** and [12:00 midnight Sunday] **6:00 a.m. Monday**. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor **or nonintoxicating beer** by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor **or nonintoxicating beer** between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor **or nonintoxicating beer** by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors **or nonintoxicating beer** on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal

voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor **or nonintoxicating beer** is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of liquor control and of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance.

5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor.

6. The supervisor of liquor control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor **or nonintoxicating beer** during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor **or nonintoxicating beer** at retail.

8. No intoxicating liquor **or nonintoxicating beer** may be served or sold on any premises used

as a polling place on election day.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting after all of said line the following:

“**Section 2. Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county, and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by the drink license between the hours of 9:00 a.m. and midnight on Sunday. Food sales shall not be a requirement for receiving a license pursuant to this section. The business establishment’s annual gross receipts for the year immediately preceding the application for the Sunday by the drink license shall not have been less than one hundred fifty thousand dollars. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by the drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars. The license fee for such Sunday by the drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.**”;

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

In which the concurrence of the Senate is respectfully requested.

Also,

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

House refuses to adopt **SCS** for **HCS** for **HB 427** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS No. 2** for **SB 52** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS No. 2** for **SB 52**. Representatives: Fares, Cooper 120, Behnen, Zweifel, Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 394**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 394**, as amended. Representatives: Byrd, Pratt, Johnson 90, Lipke, Vogt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 448** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to

act with a like committee from the Senate on **HCS** for **SB 448**. Representatives: Byrd, Goodman, Crowell, Johnson 61, Harris 23.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 2** for **SB 224**; **SCS** for **SB 238**; **SB 250**; **SCS** for **SB 269**; and **SB 456**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SBs 299** and **40**, as amended: Senators Champion, Cauthorn, Gross, Kennedy and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 552**: Senators Yeckel, Loudon, Cauthorn, Mathewson and Coleman.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 811, regarding Timothy F. Noelker, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 812, regarding Debra McCormack, which was adopted.

Senator Loudon offered Senate Resolution No. 813, regarding Patricia Johnson, which was adopted.

Senator Loudon offered Senate Resolution No.

814, regarding Dennis McFarland, which was adopted.

Senator Quick offered Senate Resolution No. 815, regarding Samuel Welsh “Sam” Johnsen, Kearney, which was adopted.

Senator Childers offered Senate Resolution No. 816, regarding Dr. Glen Cameron, Point Lookout, which was adopted.

Senator Cauthorn offered Senate Resolution No. 817, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry M. Webb, Monroe City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Del Tollenaar, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 819, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vernard Tade, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 820, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Fisher, Middletown, which was adopted.

Senator Cauthorn offered Senate Resolution No. 821, regarding the Fiftieth Wedding Anniversary of the Reverend and Mrs. Joseph Antal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Edwin Richard, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 823, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Warren, Paris, which was adopted.

Senator Cauthorn offered Senate Resolution No. 824, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Davis Shulse, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 825, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lowell Wilson, Novinger, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gerald W. Moritz, M.D., St. Louis County.

Senator Vogel introduced to the Senate, Paula Wolken, and her son, Jacob, California; and Jacob was made an honorary page.

Senator Days introduced to the Senate, Sharon Brinker, and ten students from Salem Lutheran Church and School, St. Louis.

Senator Russell introduced to the Senate, members of the Camden County Republican Club.

Senator Kennedy introduced to the Senate, Glenn and Anna Branson, and Marlene Ragland, Farmington; and G. Richard Reney and Mildred Lee, Park Hills.

Senator Caskey introduced to the Senate, Mrs. Bonnie Manion, Mr. Richard Orr, Mrs. Carolyn Harms, Mrs. Becky Gallagher, and students from Windsor Elementary School, Henry County R-I, Henry County; and Devin Eggers, Morganne Foster, Kaitlin Eckhoff, Dustin Franklin and Taylor Gallagher were made honorary pages.

Senator Kennedy introduced to the Senate, Joseph C. Stewart, Jr., St. Louis.

Senator Kennedy introduced to the Senate, Joan Knott, Bonne Terre; Rose Ann Richards, Blackwell; Shirley Goodson, Potosi; and Cyrilla Boyer, Park Hills.

Senator Gibbons introduced to the Senate, forty-five fourth grade students from St. Peters School, Kirkwood; and Lauren Krone, Stephanie Shelly, Karl Schwegmann, and Mac Moore were made honorary pages.

Senator Caskey introduced to the Senate, Daryl Veatch and Debbie Cook, Butler.

Senator Goode introduced to the Senate, Dwight McDaniel, and students from Christian School, St. Louis County; and Chelsey McBride, Kelvin Eggleston, Aisha DeBose, and Gregory McDaniel were made honorary pages.

Senator Scott introduced to the Senate, Amy Brashears, Marilyn Drake, and Marsha Eaton, Warsaw.

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

SENATE CALENDAR

SIXTY-THIRD DAY—WEDNESDAY, APRIL 30, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 688
 HS for HB 481-Crowell
 HS for HCS for HB 121-
 Portwood

HCS for HB 138
 HB 593-Deeken, et al

THIRD READING OF SENATE BILLS

SS for SCS for SBs 361,
 103, 156 & 329-Steelman
 (In Fiscal Oversight)
 SB 305-Jacob and Steelman
 (In Fiscal Oversight)

SB 236-DePasco and Loudon
 (In Fiscal Oversight)
 SS for SB 242-Yeckel
 SS#2 for SB 695-Goode and
 Russell

SENATE BILLS FOR PERFECTION

SB 458-Childers
 SBs 312, 49, 111, 113, 191,
 206, 263, 404, 409, 418,
 538, 550 & 584-Dolan, et al,
 with SCS

SB 485-Shields, with SCS
 SB 346-Yeckel, with SCS
 SB 531-Childers, with SCS
 SB 307-Steelman, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 511-Deeken, with SCS (Yeckel)
2. HB 444-Jackson, with SCS (Yeckel)
3. HB 208-Engler, et al, with SCS (Kinder)
4. HB 286-Bearden, with SCS (Shields)
5. HCS for HB 144, with SCS (Vogel)
6. HCS for HBs 346 & 174, with SCS (Foster)
7. HCS for HB 288, with SCS (Shields) (In Fiscal Oversight)
8. HS for HCS for HB 257-Munzlinger, with SCS (Cauthorn)
9. HS for HCS for HBs 517, 94, 149, 150 & 342-Portwood, with SCS (Gross) (In Fiscal Oversight)
10. HB 445-Portwood, et al, with SCS (Loudon)
11. HS for HCS for HB 156-Phillips (Cauthorn)
12. HS for HB 668-Crawford, with SCS (Dolan) (In Fiscal Oversight)
13. HS for HB 470-Mayer, with SCS (Bartle)
14. HB 198-Stevenson, et al (Nodler)

Journal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
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| SB 18-Yeckel and Cauthorn, with SCS & SS for SCS (pending) | SB 241-Yeckel, with SCS |
| SB 24-Steelman, with SCS & SS for SCS (pending) | SBs 248, 100, 118, 233, 247, 341 & 420-Gross, et al, with SCS & SS for SCS (pending) |
| SB 27-Gibbons, with SCS | SB 253-Steelman, et al, with SCS, SS for SCS & SA 1 (pending) |
| SB 33-Loudon and Scott, with SS (pending) | SB 300-Cauthorn, et al, with SCS |
| SB 51-Shields, with SS, SS for SS & SA 1 (pending) | SBs 343, 89, 134, 171, 240, 261, 331, 368, 369, 419, 484 & 581-Dolan, with SCS |
| SB 112-Loudon, with SCS | SB 347-Loudon, et al, with SCS |
| SBs 125 & 290-Goode, with SCS & SA 6 (pending) | SB 362-Steelman and Gross |
| SB 209-Steelman, et al, with SCS | SBs 381, 384, 432 & 9-Dolan, with SCS & SS for SCS (pending) |
| SB 217-Champion and Clemens, with SS (pending) | |

SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS
SB 416-Yeckel, with SCS
SB 436-Klindt, with SCS, SS for
SCS & SA 2 (pending)
SB 446-Bartle, with SCS
SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2 (pending)

SB 455-Dougherty and Shields
SB 460-Loudon, with SS &
SA 1 (pending)
SB 476-Jacob
SB 564-Gross
SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS
SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)
HCS for HBs 122 & 80 (Bland)
HCS for HB 289, with SCS
(Steelman)
HS for HCS for HB 321-
Wilson (130), with SS & SS
for SS (pending) (Loudon)
HS for HCS for HBs 349, 120,
136 & 328-Crawford (Caskey)

HCS for HB 390, with SCS
(Cauthorn)
HB 412-Goodman, et al
(Childers)
HCS for HB 600, with SCS, SS
for SCS, SS for SS for SCS,
SA 12 & point of order
(pending) (Shields)

Journal

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS
SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 307-Merideth and
Shoemaker (Foster)

HB 505-Byrd and Villa,
with SCS (Mathewson)

Reported 4/15

HCS for HB 613, with SCS
(Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 16-Childers, with HCS

SCS for SB 61-Caskey, with HCS

SB 68-Childers, with HCS

SB 101-Caskey, with HCS

SCS for SB 130-Gross and
Dolan, with HCS

SB 136-Goode, with HCS

SB 175-Loudon, with HCS

SB 186-Cauthorn, with HCS

SCS for SBs 212 & 220-Bartle,
with HCS

SCS for SB 218-Goode, et al,
with HCS

SB 228-Griesheimer, with HCS

SB 266-Shields and Kennedy,
with HCS

SB 275-Russell, with HCS

SCS for SB 281-Shields, with HCS

SB 289-Dolan, et al, with HCA 1

SCS for SB 295-Shields, with HCS

SCS for SB 296-Griesheimer,
with HS for HCS, as amended

SS for SCS for SB 298-
Griesheimer, with HCS,
as amended

SB 301-Bray, with HCS

SB 325-Steelman, with HCS

SB 355-Stoll, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 373-Bartle, with HCS

SCS for SB 379-Champion, with
HCS

SB 399-Caskey, with HCS

SB 423-Childers, with HCA 1

SCS for SB 447-Bartle, with
HCA 1

SB 465-Bartle, with HCS

SB 468-Bartle, with HCA 1

SB 470-Bartle, with HCS

SB 474-Bartle, with HCS

SB 504-Clemens and Champion,
with HCS

SCS for SB 547-Caskey, with HCS

SS for SS for SCS for SBs 556 &
311-Kinder, with HCS, as amended

SCS for SB 592-Foster, with HCS

SCS for SB 666-Bland, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 52-Shields, with HCS
SCS for SBs 299 & 40-
Champion, et al, with HS,
as amended
SB 394-Bartle, with HCS,
as amended

SB 401-Dolan, et al, with HCS
SB 407-Klindt, with HCS
SB 448-Bartle, with HCS
SB 552-Yeckel, with HCS

Requests to Recede or Grant Conference

HCS for HB 427, with SCS (Bartle)
(House requests Senate
recede or grant conference)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)
SCR 4-Jacob
HCR 15-Behnen (Cauthorn)

SCR 17-Cauthorn, et al
SCR 18-Mathewson and
Steelman
HCR 11-Moore and Walton