

# Journal of the Senate

FIRST REGULAR SESSION

---

SEVENTY-SECOND DAY—TUESDAY, MAY 13, 2003

---

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Senator Bartle offered the following prayer:

Father, we ask for Your leadership and guidance in these final days of this legislative session. We ask that You give us wisdom as we go about our business and I pray that You'll give us stamina as we bring the session to a close.

Father, we pray especially for our folks in Iraq who are working to set up a new government. We pray that You will raise up men and women to lead that country into democracy. Be with our troops all over this globe, Father.

We pray that You bless us and watch after our families. In Jesus Christ's 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 KOMU-TV and KRCC-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 Days offered Senate Resolution No. 980, regarding Michael J. Cook, St. Peters, which was adopted.

Senator Bartle offered Senate Resolution No. 981, regarding Melisa Bauer, Independence, which was adopted.

Senator Bartle offered Senate Resolution No. 982, regarding Ben Martin, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 983, regarding the One Hundredth Anniversary of the Bishop Rosati Council #795 of the Knights of Columbus, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Bland moved that **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Bland, **HCR 11** was

adopted 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  
 Scott Shields Steelman Wheeler  
 Yeckel—29

NAYS—Senators—None

Absent—Senators  
 Quick Russell Stoll—3

Absent with leave—Senators  
 DePasco Vogel—2

Senator Klindt moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **HCR 3** was adopted 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  
 Quick Russell Scott Shields  
 Steelman Stoll Wheeler Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators  
 DePasco Vogel—2

Senator Klindt moved that **HCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **HCR 5** was adopted by the following vote:

YEAS—Senators  
 Bartle Bland Bray Caskey

Cauthorn Champion Childers Clemens  
 Coleman Days Dolan Foster  
 Gibbons Goode Griesheimer Gross  
 Jacob Kennedy Klindt Loudon  
 Mathewson Nodler Russell Scott  
 Shields Steelman Stoll Wheeler  
 Yeckel—29

NAYS—Senators—None

Absent—Senators  
 Dougherty Kinder Quick—3

Absent with leave—Senators  
 DePasco Vogel—2

**PRIVILEGED MOTIONS**

Senator Russell moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 686**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended: Senators Shields, Foster, Champion, Dougherty and Kennedy.

**PRIVILEGED MOTIONS**

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT NO. 2  
 ON HOUSE COMMITTEE SUBSTITUTE  
 FOR SENATE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 36**

The Conference Committee appointed on

House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, with House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, and House Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 36;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:

/s/ David G. Klindt      /s/ Peter Myers

/s/ Sarah Steelman      /s/ Dennis Wood

/s/ Dan Clemens      /s/ Merrill Townley

/s/ Harold L. Caskey      /s/ Wes Shoemyer

/s/ Harry Kennedy      /s/ Rachel L. Bringer

Senator Klindt moved that the above conference committee report no. 2 be adopted.

Senator Gross assumed the Chair.

Senator Bray raised the point of order that the conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, is out of order as it exceeds the differences between the two bodies.

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

Senator Jacob raised the point of order that the conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, is out of order as language contained in both the Senate and House versions on hazardous waste fee extension has been omitted from the **CCS**.

Senator Jacob raised a second point of order that language contained in both Senate and House versions on burden of proof changes has been omitted from the **CCS**.

The points of order were referred to the President Pro Tem.

At the request of Senator Klindt, the motion to adopt conference committee report no. 2 on **HCS** for **SS** for **SCS** for **SB 36**, as amended, was withdrawn, rendering the points of order moot.

Senator Klindt moved that the Senate request the House to grant further conference on **HCS** for **SS** for **SCS** for **SB 36**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Childers moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 199**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

## 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 **SR 919**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### SENATE COMMITTEE SUBSTITUTE FOR SENATE RESOLUTION NO. 919

WHEREAS, the State of Missouri and its political subdivisions is faced with recruitment and retention of highly trained and motivated police officers; and

WHEREAS, Missouri benefits from its political subdivisions having the highest quality police force possible:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby establish the "Interim Committee on Police Officer Residency"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate, three of which shall be appointed by the president pro tem and two of which shall be appointed by the minority floor leader; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning police officer residency requirements currently in place in political subdivisions within the State of Missouri, discover methods to attract new police officers, and retain existing officers, in order to uncover potential barriers in the recruitment and retention of exceptional police officers to best serve and protect the welfare of the citizens of the State of Missouri; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate by January 1, 2004.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 977**, begs leave to report that it has considered the same and recommends that the resolution do pass.

### HOUSE BILLS ON THIRD READING

**HB 286**, with **SCS**, introduced by Representative Bearden, et al, entitled:

An Act to repeal section 208.480, RSMo, and to enact in lieu thereof one new section relating to the federal hospital reimbursement allowance program.

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

**SCS for HB 286**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 286

An Act to repeal sections 208.480 and 208.565, RSMo, and to enact in lieu thereof two new sections relating to the health care programs, with an emergency clause for a certain section.

Was taken up.

Senator Shields moved that **SCS for HB 286** be adopted.

Senator Shields offered **SS for SCS for HB 286**, entitled:

### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 286

An Act to repeal sections 208.480, 208.565, 338.501, 338.515, 338.520, 338.525, 338.545, and 338.550, RSMo, and to enact in lieu thereof seven new sections relating to the health care programs, with an emergency clause for a certain section.

Senator Shields moved that **SS for SCS for HB 286** be adopted.

Senator Cauthorn offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 6, Section 338.550, Line 14 of said page, by inserting after all of said line the following:

**“Section 1. There shall be no tax subsidy or appropriation of the state of Missouri for the construction of a specialty surgical hospital as a pilot project in an county of the first classification with more than one hundred**

**thirty-five thousand four hundred inhabitants, but less than one hundred thirty-five thousand five hundred inhabitants. Physicians and surgeons licensed pursuant to chapter 334, RSMo, may develop such a specialty surgical hospital without obtaining a certificate of need pursuant to sections 197.300 to 197.367, RSMo, provided:**

**(1) At least fifty percent of the ownership is held by such physicians and surgeons;**

**(2) It is independent of and is not owned or controlled by any state agency or county hospital; and**

**(3) It does not have more than thirty licensed beds.**

**Said specialty surgical hospital shall report to the department of health and senior services and the board of healing arts on the effectiveness.”; and**

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order, as it goes beyond the scope, title and purpose of the bill.

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

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

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 6, Section 338.550, Line 14, by deleting said line and inserting in lieu thereof the following: “30, 2005.”.

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

Senator Shields moved that **SS for SCS for HB 286**, as amended, be adopted, which motion

prevailed.

Senator Shields moved that **SS for SCS for HB 286**, as amended, be read the third time and finally passed.

Senator Shields was recognized to close.

President Pro Tem Kinder referred **SS for SCS for HB 286**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

**HOUSE BILLS ON SECOND READING**

The following Bill was read the second time and referred to the Committee indicated:

**HB 697**—Judiciary and Civil and Criminal Jurisprudence.

**HOUSE BILLS ON THIRD READING**

**HS for HB 197**, with **SCS** and **SCA 1**, entitled:

An Act to repeal sections 135.207, 135.208, 135.478, 135.481, 135.484, 135.487, and 135.530, RSMo, and to enact in lieu thereof nine new sections relating to economic development projects.

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

**SCS for HS for HB 197**, with **SCA 1**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 197**

An Act to repeal sections 32.100, 32.105, 32.110, 32.115, 32.117, 32.120, 100.105, 100.710, 100.840, 100.850, 135.207, 135.208, 135.313, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.516, 135.520, 135.530, 135.545, 135.750, 163.036, 348.256, 348.261, 620.017, 620.1039, 620.1100, 620.1103, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, section 32.125 as enacted by house substitute for senate bill no. 374, eighty-eighth general assembly, first regular session, section 135.535 as enacted by conference

committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session, section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session and section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, RSMo, and to enact in lieu thereof forty-one new sections relating to economic development projects, with effective dates.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HB 197** be adopted.

**SCA 1** was taken up.

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

**SCS** for **HS** for **HB 197**, as amended, was again taken up.

Senator Shields offered **SS** for **SCS** for **HS** for **HB 197**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 197

An Act to repeal sections 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.313, 135.327, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.516, 135.520, 135.530, 348.256, 620.017, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, section 67.399, RSMo, as enacted by senate committee substitute for house substitute for house committee for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and

section 67.399, RSMo, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session, and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof thirty-one new sections relating to economic development projects, with an effective date for certain sections.

Senator Shields moved that **SS** for **SCS** for **HS** for **HB 197** be adopted.

Senator Bartle assumed the Chair.

Senator Gross assumed the Chair.

Senator Jacob raised the point of order that **SS** for **SCS** for **HS** for **HB 197** is out of order, as the substitute exceeds the scope and purpose of the original bill.

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

At the request of Senator Shields, **HS** for **HB 197**, with **SCS**, **SS** for **SCS** and the point of order (pending), was placed on the Informal Calendar.

### PRIVILEGED MOTIONS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 394** moved that the following conference committee report be taken up, which motion prevailed.

### CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 394

The Conference Committee appointed on

House Committee Substitute for Senate Bill No. 394, with House Perfecting Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. The House recedes from its position on House Committee Substitute for Senate Bill No. 394, with House Perfecting Amendment No. 1;

2. The Senate recedes from its position on Senate Bill No. 394;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 394, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:

- |                      |                    |
|----------------------|--------------------|
| /s/ Matt Bartle      | /s/ Richard Byrd   |
| /s/ Anita Yeckel     | /s/ Bryan Pratt    |
| /s/ Dan Clemens      | /s/ Rick Johnson   |
| /s/ Maida J. Coleman | /s/ Scott A. Lipke |
| /s/ Harry Kennedy    | /s/ Michael Vogt   |

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

DePasco      Klindt—2

On motion of Senator Bartle, **CCS** for **HCS** for **SB 394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE COMMITTEE SUBSTITUTE  
FOR SENATE BILL NO. 394

An Act to repeal sections 347.700, 347.720, 351.046, 351.182, 351.268, 351.315, 351.320, 351.385, 351.455, 358.150, 358.520 and 359.165, RSMo, and to enact in lieu thereof twelve new sections relating to general and business corporations.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

DePasco      Klindt—2

The President declared the bill passed.

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

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

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

President Pro Tem Kinder assumed the Chair.

**REPORTS OF STANDING COMMITTEES**

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization,

Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS for HB 640**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SJR 4**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS for HB 688**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 593**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS for HCS for HB 455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

**PRIVILEGED MOTIONS**

Senator Champion moved that the conference committee report on **HS for SCS for SBs 299 and 40**, as amended, be taken up for adoption, which motion prevailed.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

On motion of Senator Champion, **CCS for HS for SCS for SBs 299 and 40**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 299 and 40**

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810, RSMo, and to enact in lieu thereof twenty-two new sections relating to performance-based budgeting.

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
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick



Russell            Scott            Shields            Steelman  
 Stoll               Vogel              Wheeler            Yeckel—32

/s/ Jim Mathewson    /s/ Esther Haywood  
 /s/ Maida J. Coleman   /s/ Margaret Donnelly

NAYS—Senators—None

Senator Yeckel moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Absent—Senators—None

YEAS—Senators

Absent with leave—Senators  
 DePasco            Klindt—2

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

The President declared the bill passed.

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

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

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

NAYS—Senators—None

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SB 552 moved that the following conference committee report no. 2 be taken up, which motion prevailed.

Absent—Senators

Mathewson        Shields—2

Absent with leave—Senators

DePasco            Klindt—2

CONFERENCE COMMITTEE REPORT NO. 2  
 ON HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 552

On motion of Senator Yeckel, SB 552 was read the 3rd time and passed by the following vote:

YEAS—Senators

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 552, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

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

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 552;

NAYS—Senators—None

2. That Senate Bill No. 552, be Third Read and Finally Passed.

Absent—Senator Shields—1

FOR THE SENATE:    FOR THE HOUSE:

/s/ Anita Yeckel	/s/ Richard Byrd
/s/ John Loudon	/s/ Todd Smith
/s/ John Cauthorn	/s/ Marilyn Ruestman

Absent with leave—Senators  
 DePasco            Klindt—2

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill

was agreed to.

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

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

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 69**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 69

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 69;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 69, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Anita Yeckel	/s/ Brian Baker
/s/ Gary Nodler	/s/ Neal St. Onge
/s/ Delbert Scott	/s/ Randal N. Angst
/s/ Harry Kennedy	/s/ Craig Bland
/s/ Charles Wheeler	/s/ Curt Dougherty

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

motion prevailed by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

NAYS—Senators

Bland	Bray	Coleman	Dougherty
Goode	Jacob—6		

Absent—Senators—None

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

On motion of Senator Yeckel, **CCS** for **HCS** for **SCS** for **SB 69**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 69

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

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

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators

Bland	Bray	Dougherty	Jacob—4
-------	------	-----------	---------

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

Senator Quick moved that the Senate refuse to concur in **HS** for **HCS** for **SB 173**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

#### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate on the following corrected message on **HCS** for **SCS** for **SB 379**. The message to the Senate should have read: The House conferees on **HCS** for **SCS** for **SB 379** are allowed to exceed the differences by deleting certain sentences.

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 **SB 242**, entitled:

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to supersedeas bond requirements, with an emergency clause.

Emergency clause defeated.

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 **SCS** for **SB 385**, entitled:

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

In which the concurrence of the Senate is respectfully requested.

#### RESOLUTIONS

Senator Champion offered Senate Resolution No. 984, regarding Wanda Gray Elementary School, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 985, regarding Alice Pittman Elementary School, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 986, regarding Dan L. Ikerd, Sedalia, which was adopted.

Senator Scott offered Senate Resolution No. 987, regarding Lois Brownsberger, Appleton City, which was adopted.

Senator Scott offered Senate Resolution No. 988, regarding Joe Brownsberger, Appleton City, which was adopted.

Senator Yeckel offered Senate Resolution No. 989, regarding Thomas Charles Boersig, III, Sappington, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

#### RECESS

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

#### CONCURRENT RESOLUTIONS

Senator Gibbons moved that **HCR 32** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 32** was

adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Foster	Gibbons	Goode
Griesheimer	Kennedy	Kinder	Loudon
Mathewson	Nodler	Scott	Steelman
Stoll	Vogel	Yeckel—23	

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

NAYS—Senators—None

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Dougherty	Jacob
Quick	Russell	Shields	Wheeler—8

Absent—Senators

Bland	Bray	Childers	Dougherty
Shields—5			

Absent with leave—Senators

DePasco	Gross	Klindt—3
---------	-------	----------

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

The President declared the bill passed.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 138**, entitled:

An Act to repeal sections 217.304 and 217.380, RSMo, and to enact in lieu thereof four new sections relating to the department of corrections.

Was taken up by Senator Cauthorn.

Senator Cauthorn offered **SS** for **HCS** for **HB 138**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 138

An Act to repeal sections 217.305 and 217.380, RSMo, and to enact in lieu thereof five new sections relating to the department of corrections.

Senator Cauthorn moved that **SS** for **HCS** for **HB 138** be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Cauthorn, **SS** for **HCS** for **HB 138** was read the third time and passed by the following vote:

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

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

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

**HS** for **HB 470**, with **SCS**, entitled:

An Act to repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to the sale of products containing methamphetamine precursors, with penalty provisions.

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

**SCS** for **HS** for **HB 470**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 470

An Act to repeal sections 195.417, 478.610, 542.276, 544.170, 565.092, 610.106, and 610.110, RSMo, and to enact in lieu thereof sixteen new sections relating to crime, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HS** for **HB 470** be adopted.

Senator Bartle offered **SS** for **SCS** for **HS** for **HB 470**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE BILL NO. 470

An Act to repeal section 195.417, and to enact in lieu thereof two new sections relating to products used to produce methamphetamine, with penalty provisions.

Senator Bartle moved that **SS** for **SCS** for **HS** for **HB 470** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section 195.417, Line 10, by striking the words “containing a sole active ingredient” and inserting in lieu thereof the word “**form**”.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 1** was withdrawn.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section 195.417, Line 6, by striking the word “**two**” and inserting in lieu thereof the word “**three**”; and

Further amend said section, said page, line 13, by striking the word “**two**” and inserting in lieu thereof the word “**three**”.

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

Senators Days, Caskey, Loudon and Kennedy.

**SA 2** was adopted by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Kinder	Loudon
Mathewson	Quick	Steelman	Stoll
Wheeler—17			

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Nodler	Russell	Shields
Vogel	Yeckel—14		

Absent—Senator Scott—1

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 1, Section A, Line 3, by inserting after all of said line the following:

**“67.265. Notwithstanding any other law to the contrary, any city or county of this state may enact ordinances or resolutions addressing tobacco related health issues.”; and**

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 3** is out of order, as it is not germane to the bill.

At the request of Senator Childers, **SA 3** was withdrawn, rendering the point of order moot.

Senator Griesheimer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 470, Page 3, Section 577.075, Line 16, by inserting after all of said line the following:

**“Section 1. In any case where there is a violation of Chapter 195, RSMo, a judge may, upon a finding of guilt, order a defendant to pay for costs for testing of the substances at a private laboratory.”.**

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

Senator Bartle moved that **SS** for **SCS** for **HS** for **HB 470**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **HS** for **HB 470**, as amended, 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

**HS** for **HB 481** was placed on the Informal Calendar.

**HB 655**, introduced by Representative Wilson (130), et al, entitled:

An Act to repeal sections 162.680 and 162.962, RSMo, and to enact in lieu thereof two new sections relating to special education services.

Was taken up by Senator Foster.

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

SENATE AMENDMENT NO. 1

Amend House Bill No. 655, Page 2, Section 162.962, Line 22, by inserting immediately after said line the following:

**“Section 1. Any student with a cochlear implant who attends the public schools of this state shall be entitled to an individualized education program upon the request of that student’s parent or legal guardian.”; and**

Further amend the title and enacting clause accordingly.

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

On motion of Senator Foster, **HB 655**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Quick Scott—3

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

**HB 412**, introduced by Representative Goodman, et al, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to gubernatorial inaugural committees.

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

Senator Childers offered **SS** for **HB 412**:

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 412

An Act to repeal sections 105.473, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.016, 130.021, 130.026, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof twenty new sections relating to ethics, with penalty provisions.

Senator Childers moved that **SS** for **HB 412** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 412, Page 80, Section 130.059, Line 15, by inserting after all of said line the following:

**“Section 1. Any state employee who is registered as a lobbyist shall report, on a quarterly basis, to the Missouri Ethics Commission on the number of hours that said employee engaged in lobbying activities.”**

Senator Steelman moved that the above amendment be adopted.

At the request of Senate Steelman, **SA 1** was withdrawn.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 412, page 65, Section 130.036, Line 3, by inserting immediately after said line the following:

“130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in sections 130.049 and 130.050, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual

relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to



subdivision (4) of this subsection[;]. **The amount of expenditure apportioned to each candidate shall be reported to the candidate and to the Missouri ethics commission and to the appropriate election authority as described in section 130.026. Such report shall be made within ten days of making such expenditure. The report made to the Missouri ethics commission shall be made in an electronic format as prescribed by the commission and shall become a part of the candidate's disclosure report;**

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except sections 130.049 and 130.050 which requires a listing of each

contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a continuing committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as

required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 3**:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for House Bill No. 412, Page 1, Section A, Line 8, by inserting after all of said line the following:

“105.452. No elected or appointed official or employee of the state or any political subdivision thereof shall:

(1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the state or political subdivision; [or]

(2) Use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business

with which he is associated;

(3) Disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person;

(4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, “special monetary benefit” means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting and shall not be relieved by reason of the provisions of section 105.460, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution; [or]

(5) Use his decision-making authority for the purpose of obtaining a financial gain which materially enriches himself, his spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value; **or**

**(6) Appear in televised advertisements or commercials paid for with state funds. This subdivision shall only apply to elected or appointed officials.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered **SA 4**, which was read:

## SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 412, Page 15, Section 105.487, Line 14, by striking the opening and closing brackets; and further amend said line by striking the word “thirty-first”; and further amend said section and page, line 15, by striking the opening and closing brackets; and further amend said line by striking the word “march”.

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

Senator Steelman offered **SA 5**:

## SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 412, Page 80, Section 130.059, Line 15, by inserting after all of said line the following:

**“Section 1. Any state employee who is registered as a lobbyist shall report, on a quarterly basis, to the Missouri Ethics Commission on the number of hours that said employee engaged in lobbying activities. “Lobbying activities” shall not include responses to direct inquiries from members of the General Assembly.”.**

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

Senator Jacob offered **SA 6**:

## SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Bill No. 412, page 19, Section 105.497, Line 4 of said page, by inserting immediately after said line the following:

“105.955. 1. A bipartisan “Missouri Ethics Commission”, composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act of 1974. Supervision by the office of

administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or continuing committee, as defined in chapter 130, RSMo, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the commission, a person shall be a citizen and a

resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment.

3. The term of each member shall be for four years, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts. Not more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district. Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms. Terms of successor members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. Vacancies or expired terms on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members, other than from the congressional district

committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may not succeed himself or herself after two years. No

member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

**10. No employee of the commission shall, during the employee's period of employment:**

**(1) Have a financial interest in any corporation, partnership, limited liability company, or other business entity in which a**

**candidate subject to the jurisdiction of the commission has a financial interest; or**

**(2) Make a contribution to a candidate or committee as defined in section 130.011, RSMo.**

**11. No person shall be hired by the commission who has been employed by a political party, candidate, or committee as defined in section 130.011 at any time during the one-year period prior to the beginning date of employment with the commission.**

12. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

[11.] 13. The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

[12.] 14. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with the commission.

[13.] 15. Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from the clerk of the

supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

[14.] **16.** The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

(1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;

(2) Review and audit any reports and statements required by the campaign finance disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by

sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

(3) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;

(4) Provide information and assistance to lobbyists, elected and appointed officials, and employees of the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;

(5) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;

(6) Render advisory opinions as provided by this section;

(7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective only in operation;

(8) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

[15.] **17.** In connection with such powers

provided by sections 105.955 to 105.963 and chapter 130, RSMo, the commission may:

(1) Subpoena witnesses and compel their attendance and testimony. Subpoenas shall be served and enforced in the same manner provided by section 536.077, RSMo;

(2) Administer oaths and affirmations;

(3) Take evidence and require by subpoena duces tecum the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided by section 536.077, RSMo;

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

[16.] **18.** (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission

can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be

withdrawn unless:

(a) The authorizing statute is declared unconstitutional;

(b) The opinion goes beyond the power authorized by statute; or

(c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130, RSMo. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days that such request is delivered to the attorney general.

[17.] **19.** The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

[18.] **20.** From time to time but no more frequently than annually the commission may request the officials and entities described in

subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for House Bill No. 412, Page 6, Section 105.955, Lines 8-9, by striking all of said lines and insert in lieu thereof the following: **“that derives any portion of its income from a political party, a candidate who is subject to the jurisdiction of the commission or a committee as defined in Section 130.011”**.

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

**SA 6**, as amended, was again taken up.

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

Senator Jacob offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Bill No. 412, Page 19, Section 105.497, Line 4 of said page, by inserting after all of said line the following:

“105.955. 1. A bipartisan “Missouri Ethics Commission”, composed of six members, is hereby established. The commission shall be assigned to the office of administration with supervision by the office of administration only for budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6 of section 1 of the Reorganization Act



of 1974. Supervision by the office of administration shall not extend to matters relating to policies, regulative functions or appeals from decisions of the commission, and the commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law and shall not in any manner interfere with the budget request of or withhold any moneys appropriated to the commission by the general assembly. All members of the commission shall be appointed by the governor with the advice and consent of the senate from lists submitted pursuant to this section. Each congressional district committee of the political parties having the two highest number of votes cast for their candidate for governor at the last gubernatorial election shall submit two names of eligible nominees for membership on the commission to the governor, and the governor shall select six members from such nominees to serve on the commission.

2. Within thirty days of submission of the person's name to the governor as provided in subsection 1 of this section, and in order to be an eligible nominee for appointment to the commission, a person shall file a financial interest statement in the manner provided by section 105.485 and shall provide the governor, the president pro tempore of the senate, and the commission with a list of all political contributions and the name of the candidate or committee, political party, or continuing committee, as defined in chapter 130, RSMo, to which those contributions were made within the four-year period prior to such appointment, made by the nominee, the nominee's spouse, or any business entity in which the nominee has a substantial interest. The information shall be maintained by the commission and available for public inspection during the period of time during which the appointee is a member of the commission. In order to be an eligible nominee for membership on the

commission, a person shall be a citizen and a resident of the state and shall have been a registered voter in the state for a period of at least five years preceding the person's appointment.

3. The term of each member shall be for four years, except that of the members first appointed, the governor shall select three members from even-numbered congressional districts and three members from odd-numbered districts. Not more than three members of the commission shall be members of the same political party, nor shall more than one member be from any one United States congressional district. Not more than two members appointed from the even-numbered congressional districts shall be members of the same political party, and no more than two members from the odd-numbered congressional districts shall be members of the same political party. Of the members first appointed, the terms of the members appointed from the odd-numbered congressional districts shall expire on March 15, 1994, and the terms of the members appointed from the even-numbered congressional districts shall expire on March 15, 1996. Thereafter all successor members of the commission shall be appointed for four-year terms. Terms of successor members of the commission shall expire on March fifteenth of the fourth year of their term. No member of the commission shall serve on the commission after the expiration of the member's term. No person shall be appointed to more than one full four-year term on the commission.

4. Vacancies or expired terms on the commission shall be filled in the same manner as the original appointment was made, except as provided in this subsection. Within thirty days of the vacancy or ninety days before the expiration of the term, the names of two eligible nominees for membership on the commission shall be submitted to the governor by the congressional district committees of the political party or parties of the vacating member or members, from the even- or odd-numbered congressional districts, based on the residence of the vacating member or members,

other than from the congressional district committees from districts then represented on the commission and from the same congressional district party committee or committees which originally appointed the member or members whose positions are vacated. Appointments to fill vacancies or expired terms shall be made within forty-five days after the deadline for submission of names by the congressional district committees, and shall be subject to the same qualifications for appointment and eligibility as is provided in subsections 2 and 3 of this section. Appointments to fill vacancies for unexpired terms shall be for the remainder of the unexpired term of the member whom the appointee succeeds, and such appointees shall be eligible for appointment to one full four-year term. If the congressional district committee does not submit the required two nominees within the thirty days or if the congressional district committee does not submit the two nominees within an additional thirty days after receiving notice from the governor to submit the nominees, then the governor may appoint a person or persons who shall be subject to the same qualifications for appointment and eligibility as provided in subsections 2 and 3 of this section.

5. The governor, with the advice and consent of the senate, may remove any member only for substantial neglect of duty, inability to discharge the powers and duties of office, gross misconduct or conviction of a felony or a crime involving moral turpitude. Members of the commission also may be removed from office by concurrent resolution of the general assembly signed by the governor. If such resolution receives the vote of two-thirds or more of the membership of both houses of the general assembly, the signature of the governor shall not be necessary to effect removal. The office of any member of the commission who moves from the congressional district from which the member was appointed shall be deemed vacated upon such change of residence.

6. The commission shall elect biennially one of its members as the chairman. The chairman may

not succeed himself or herself after two years. No member of the commission shall succeed as chairman any member of the same political party as himself or herself. At least four members are necessary to constitute a quorum, and at least four affirmative votes shall be required for any action or recommendation of the commission.

7. No member or employee of the commission, during the person's term of service, shall hold or be a candidate for any other public office.

8. In the event that a retired judge is appointed as a member of the commission, the judge shall not serve as a special investigator while serving as a member of the commission.

9. No member of the commission shall, during the member's term of service or within one year thereafter:

(1) Be employed by the state or any political subdivision of the state;

(2) Be employed as a lobbyist;

(3) Serve on any other governmental board or commission;

(4) Be an officer of any political party or political organization;

(5) Permit the person's name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

(6) Participate in any way in any election campaign; except that a member or employee of the commission shall retain the right to register and vote in any election, to express the person's opinion privately on political subjects or candidates, to participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party.

10. Each member of the commission shall receive, as full compensation for the member's services, the sum of one hundred dollars per day for each full day actually spent on work of the

commission, and the member's actual and necessary expenses incurred in the performance of the member's official duties.

11. The commission shall appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission, but in no event for more than six years. The executive director shall be responsible for the administrative operations of the commission and perform such other duties as may be delegated or assigned to the director by law or by rule of the commission. The executive director shall employ staff and retain such contract services as the director deems necessary, within the limits authorized by appropriations by the general assembly.

12. Beginning on January 1, 1993, all lobbyist registration and expenditure reports filed pursuant to section 105.473, financial interest statements filed pursuant to subdivision (1) of section 105.489, and campaign finance disclosure reports filed other than with election authorities or local election authorities as provided by section 130.026, RSMo, shall be filed with the commission.

13. Within sixty days of the initial meeting of the first commission appointed, the commission shall obtain from the clerk of the supreme court or the state courts administrator a list of retired appellate and circuit court judges who did not leave the judiciary as a result of being defeated in an election. The executive director shall determine those judges who indicate their desire to serve as special investigators and to investigate any and all complaints referred to them by the commission. The executive director shall maintain an updated list of those judges qualified and available for appointment to serve as special investigators. Such list shall be updated at least annually. The commission shall refer complaints to such special investigators on that list on a rotating schedule which ensures a random assignment of each special investigator. Each special investigator shall receive only one unrelated investigation at a time and shall

not be assigned to a second or subsequent investigation until all other eligible investigators on the list have been assigned to an investigation. In the event that no special investigator is qualified or available to conduct a particular investigation, the commission may appoint a special investigator to conduct such particular investigation.

14. The commission shall have the following duties and responsibilities relevant to the impartial and effective enforcement of sections 105.450 to 105.496 and chapter 130, RSMo, as provided in sections 105.955 to 105.963:

(1) Receive and review complaints regarding alleged violation of sections 105.450 to 105.496 and chapter 130, RSMo, conduct initial reviews and investigations regarding such complaints as provided herein; refer complaints to appropriate prosecuting authorities and appropriate disciplinary authorities along with recommendations for sanctions; and initiate judicial proceedings as allowed by sections 105.955 to 105.963;

(2) Review and audit any reports and statements required by the campaign finance disclosure laws contained in chapter 130, RSMo, and financial interest disclosure laws or lobbyist registration and reporting laws as provided by sections 105.470 to 105.492, for timeliness, accuracy and completeness of content as provided in sections 105.955 to 105.963;

(3) Develop appropriate systems to file and maintain an index of all such reports and statements to facilitate public access to such information, except as may be limited by confidentiality requirements otherwise provided by law, including cross-checking of information contained in such statements and reports. The commission may enter into contracts with the appropriate filing officers to effectuate such system. Such filing officers shall cooperate as necessary with the commission as reasonable and necessary to effectuate such purposes;

(4) Provide information and assistance to

lobbyists, elected and appointed officials, and employees of the state and political subdivisions in carrying out the provisions of sections 105.450 to 105.496 and chapter 130, RSMo;

(5) Make recommendations to the governor and general assembly or any state agency on the need for further legislation with respect to the ethical conduct of public officials and employees and to advise state and local government in the development of local government codes of ethics and methods of disclosing conflicts of interest as the commission may deem appropriate to promote high ethical standards among all elected and appointed officials or employees of the state or any political subdivision thereof and lobbyists;

(6) Render advisory opinions as provided by this section;

(7) Promulgate rules relating to the provisions of sections 105.955 to 105.963 and chapter 130, RSMo. All rules and regulations issued by the commission shall be prospective only in operation;

(8) Request and receive from the officials and entities identified in subdivision (6) of section 105.450 designations of decision-making public servants.

15. In connection with such powers provided by sections 105.955 to 105.963 and chapter 130, RSMo, the commission may:

(1) **After the filing of a contested case, apply to a circuit court for the issuance of a subpoena to witnesses [and] to compel their attendance and testimony.** Subpoenas shall be served and enforced in the same manner provided [by section 536.077, RSMo] **in the Missouri Rules of Civil Procedure;**

(2) Administer oaths and affirmations;

(3) Take evidence and [require by], **after the filing of a contested case, apply to a circuit court for the issuance of a subpoena duces tecum** the production of books, papers, and other records relating to any matter being investigated or to the performance of the commission's duties or exercise

of its powers. Subpoenas duces tecum shall be served and enforced in the same manner provided [by section 536.077, RSMo] **in the Missouri Rules of Civil Procedure;**

(4) Employ such personnel, including legal counsel, and contract for services including legal counsel, within the limits of its appropriation, as it deems necessary provided such legal counsel, either employed or contracted, represents the Missouri ethics commission before any state agency or before the courts at the request of the Missouri ethics commission. Nothing in this section shall limit the authority of the Missouri ethics commission as provided for in subsection 2 of section 105.961; and

(5) Obtain information from any department, division or agency of the state or any political subdivision reasonably calculated to lead to the discovery of evidence which will reasonably assist the commission in carrying out the duties prescribed in sections 105.955 to 105.963 and chapter 130, RSMo.

16. (1) Upon written request for an advisory opinion received by the commission, and if the commission determines that the person requesting the opinion would be directly affected by the application of law to the facts presented by the requesting person, the commission shall issue a written opinion advising the person who made the request, in response to the person's particular request, regarding any issue that the commission can receive a complaint on pursuant to section 105.957. The commission may decline to issue a written opinion by a vote of four members and shall provide to the requesting person the reason for the refusal in writing. The commission shall give an approximate time frame as to when the written opinion shall be issued. Such advisory opinions shall be issued no later than ninety days from the date of receipt by the commission. Such requests and advisory opinions, deleting the name and identity of the requesting person, shall be compiled and published by the commission on at

least an annual basis. Advisory opinions issued by the commission shall be maintained and made available for public inspection and copying at the office of the commission during normal business hours. Any advisory opinion or portion of an advisory opinion rendered pursuant to this subsection shall be withdrawn by the commission if, after hearing thereon, the joint committee on administrative rules finds that such advisory opinion is beyond or contrary to the statutory authority of the commission or is inconsistent with the legislative intent of any law enacted by the general assembly, and after the general assembly, by concurrent resolution, votes to adopt the findings and conclusions of the joint committee on administrative rules. Any such concurrent resolution adopted by the general assembly shall be published at length by the commission in its publication of advisory opinions of the commission next following the adoption of such resolution, and a copy of such concurrent resolution shall be maintained by the commission, along with the withdrawn advisory opinion, in its public file of advisory opinions. The commission shall also send a copy of such resolution to the person who originally requested the withdrawn advisory opinion. Any advisory opinion issued by the ethics commission shall act as legal direction to any person requesting such opinion and no person shall be liable for relying on the opinion and it shall act as a defense of justification against prosecution. An advisory opinion of the commission shall not be withdrawn unless:

(a) The authorizing statute is declared unconstitutional;

(b) The opinion goes beyond the power authorized by statute; or

(c) The authorizing statute is changed to invalidate the opinion.

(2) Upon request, the attorney general shall give the attorney general's opinion, without fee, to the commission, any elected official of the state or any political subdivision, any member of the

general assembly, or any director of any department, division or agency of the state, upon any question of law regarding the effect or application of sections 105.450 to 105.496, or chapter 130, RSMo. Such opinion need be in writing only upon request of such official, member or director, and in any event shall be rendered within sixty days that such request is delivered to the attorney general.

17. The state auditor and the state auditor's duly authorized employees who have taken the oath of confidentiality required by section 29.070, RSMo, may audit the commission and in connection therewith may inspect materials relating to the functions of the commission. Such audit shall include a determination of whether appropriations were spent within the intent of the general assembly, but shall not extend to review of any file or document pertaining to any particular investigation, audit or review by the commission, an investigator or any staff or person employed by the commission or under the supervision of the commission or an investigator. The state auditor and any employee of the state auditor shall not disclose the identity of any person who is or was the subject of an investigation by the commission and whose identity is not public information as provided by law.

18. From time to time but no more frequently than annually the commission may request the officials and entities described in subdivision (6) of section 105.450 to identify for the commission in writing those persons associated with such office or entity which such office or entity has designated as a decision-making public servant. Each office or entity delineated in subdivision (6) of section 105.450 receiving such a request shall identify those so designated within thirty days of the commission's request.”; and

Further amend said bill, Page 23, Section 105.961, Line 4 of said page, by inserting after the word “sections.” the following: **“Discovery for such hearing and any subsequent contested case**

hearing shall be limited to only information that is reasonably calculated to lead to admissible evidence regarding the subject matter of the complaint.”; and

Further amend said bill and section, Page 27, Lines 6 to 21, by striking all of said lines and renumber the remaining subdivision accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for House Bill No. 412, Page 9, Section 105.955, Line 20, by inserting after all of said line the following:

“(4) Such subpoenas shall be sealed by the circuit clerk until such time as the matter is referred to the prosecuting attorney”; and further renumber the remaining subdivisions accordingly.

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

SA 7, as amended, was again taken up.

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

Senator Jacob offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Bill No. 412, Page 79, Section 130.057, Line 29, by inserting after all of said line the following:

“9. In any case that challenges the commission’s assessment of a late filing fee for any filing that is required to be made electronically, the commission shall bear the burden of proving that its electronic filing system was operable at the time the filing was required to be made.”.

Senator Jacob moved that the above

amendment be adopted, which motion prevailed.

Senator Childers moved that SS for HB 412, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, SS for HB 412, as amended, 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
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on SS for HS for HCS for HBs 679 and 396, as amended. Representatives: Hanaway, Wright, Stevenson, Wilson (42) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and has taken up and passed **CCS** for **SS** for **SS** for **SCS** for **HCS** for **HB 600**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 668**, entitled:

An Act to repeal sections 144.010, 144.030, 147.120, 148.330, 265.300, 267.565, 276.606, 277.020, 277.200, 348.195, 348.210, 348.406, 348.412, 348.430, 348.432, 430.030, 578.405, 578.407, 578.409, 578.412, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 644.016, and 644.051, RSMo, and to enact in lieu thereof thirty-eight new sections relating to agriculture, with penalty provisions.

With House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2.

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

Amend House Substitute for House Committee Substitute for Senate Bill No. 668, Page 56, Section 578.405, Lines 10-13, by deleting all of said lines and inserting in lieu thereof the following: “**are pastured, housed, or otherwise quartered;**”; and on page 57, section 578.407, lines 12-24, by deleting all of said lines and on line 25, by deleting the “**(8)**” and inserting in lieu thereof “**(7)**”; and on page 58, section 578.409, lines 9-10, by deleting the words “**for a violation of subdivision (7) of section 578.407 or**”; and on page 58, section 578.409, line 19, by deleting the “**(8)**” and inserting in lieu thereof “**(7)**”; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 668, Page 68, Section 644.051, Lines 2 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following: “**contrary, notices of violation shall not be issued for a release of a water contaminant from an animal confinement facility or the animal waste application system, excluding lagoons, that is totally confined on the owner's property, so long as it does not enter waters of the state and clean up begins within twenty-four hours and is remediated as soon as practicable.**”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 173**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 199**, 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 **SCS** for **SB 199**, as amended. Representatives: Johnson (47), Mayer, Wasson, George and Villa.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HCS** for **SS** for **SCS** for **SB 36**, as amended, and that the conferees are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SS** for **SCS** for **SB 36**, as amended. Representatives: Myers, Wood, Townley, Shoemyer and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 686**, as amended and grants the Senate a conference thereon and the conferees be allowed to exceed the differences by allowing school districts to place on the ballot bond issues for the purposes of rebuilding property damaged by severe weather.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 686**, as amended. Representatives: Jetton, Cunningham 86, Wallace, Davis 122, and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, entitled:

An Act to repeal sections 285.300, 286.020, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof sixteen new sections relating to employees, with an emergency clause and penalty provisions.

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

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 33, Section 288.121, Line 10, following the word "received," by deleting the following: "any increase in"; and

Further amend House Substitute for Senate Substitute No.2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 33, Section 288.121, Line 12, following the word "shall" by deleting the words "remain in effect" and inserting in lieu thereof: "**not decrease**"; and

Further amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 42, Section 288.330, Line 1, following the word "this" by deleting the word "section" and inserting in lieu thereof the word: "**act**"; and

Further amend title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 14, Section 288.040, Line 13, by inserting after all of said line the following:

**"(3) A professionally administered and documented positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood, performed by a laboratory meeting the certification standards required by the United States Department of Transportation, the College of American Pathologists, the state of Missouri, or equivalent accrediting body, shall be deemed misconduct connected with work. Ineligibility pursuant to a positive chemical test**



shall apply only in claims against the employer who employed the claimant at the time of the positive test result. The employer suspending an employee pursuant to this provision shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment.”; and

Further amend said bill, Page 26, Section 288.050, Line 7, by inserting after all of said line the following:

“(3) For the purposes of this chapter, a professionally administered and documented positive chemical test result for a controlled substance, as defined pursuant to section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood, performed by a laboratory meeting the certification standards required by the United States Department of Transportation, the College of American Pathologists, the state of Missouri, or equivalent accrediting body, shall be deemed misconduct connected with work. Disqualification for benefits pursuant to a positive chemical test shall apply only in claims against the employer who employed the claimant at the time of the positive test result. The employer discharging an employee pursuant to this provision shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall

be deemed misconduct and may result in suspension or termination of employment.”; and

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

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 12, 288.040, Lines 12-18, by deleting the entirety of said lines and inserting in lieu thereof the following:

“(d) The director of the division of employment security has determined that the claimant is prevented from reporting due to emergency conditions that limit access by the general public to an office that serves the area where the claimant resides, but only during the time such circumstances exist. The director may make this decision absent an official state declaration of disaster, but shall notify the state emergency management director as well as the governor of this decision.”; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 26, Section 288.395, Line 9, by inserting after said line the following:

“Section 1. If any provision of this act is found by a court of competent jurisdiction to be invalid or unconstitutional it is the stated intent of the legislature that the legislature would have approved the remaining portions of the act, and the remaining portions of the act shall remain in full force and effect.”; and

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

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee

Substitute for Senate Bill No. 2, Page 48, Section 288.395, Line 13, by inserting after said line the following:

“288.500. 1. There is created under this section a voluntary “Shared Work Unemployment Compensation Program”. In connection therewith, the division may adopt rules and establish procedures, not inconsistent with this section, which are necessary to administer this program.

2. As used in this section, the following terms mean:

(1) “Affected unit”, a specified department, shift, or other unit of three or more employees which is designated by an employer to participate in a shared work plan;

(2) “Division”, the division of employment security;

(3) “Fringe benefit”, health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer;

(4) “Normal weekly hours of work”, as to any individual, the lesser of forty hours or the average obtained by dividing the total number of hours worked per week in the preceding twelve-week period by the number twelve;

(5) “Participating employee”, an employee who works a reduced number of hours under a shared work plan;

(6) “Participating employer”, an employer who has a shared work plan in effect;

(7) “Shared work benefit”, an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan;

(8) “Shared work plan”, a program for reducing unemployment under which employees who are members of an affected unit share the

work remaining after a reduction in their normal weekly hours of work;

(9) “Shared work unemployment compensation program”, a program designed to reduce unemployment and stabilize the work force by allowing certain employees to collect unemployment compensation benefits if the employees share the work remaining after a reduction in the total number of hours of work and a corresponding reduction in wages.

3. An employer who wishes to participate in the shared work unemployment compensation program established under this section shall submit a written shared work plan in a form acceptable to the division for approval. As a condition for approval by the division, a participating employer shall agree to furnish the division with reports relating to the operation of the shared work plan as requested by the division. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the division and shall report the findings to the division.

4. The division may approve a shared work plan if:

(1) The employer has filed all reports required to be filed under this chapter for all past and current periods and has paid all contributions due for all past and current periods;

(2) The shared work plan applies to and identifies a specified affected unit;

(3) The employees in the affected unit are identified by name and Social Security number;

(4) The shared work plan reduces the normal weekly hours of work for an employee in the affected unit by not less than twenty percent and not more than forty percent;

(5) The shared work plan applies to at least ten percent of the employees in the affected unit;

(6) The shared work plan describes the manner in which the participating employer treats the

fringe benefits of each employee in the affected unit; and

(7) The employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of temporary layoffs that would affect at least ten percent of the employees in the affected unit and that would result in an equivalent reduction in work hours.

5. If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan shall be approved in writing by the collective bargaining agent.

6. No shared work plan which will subsidize seasonal employers during the off-season or subsidize employers, at least fifty percent of the employees of which have normal weekly hours of work equaling thirty-two hours or less, shall be approved by the division. **No shared work plan benefits will be initiated for pay periods when the reduced hours reflect holiday earnings already committed to be paid by the employer.**

7. The division shall approve or deny a shared work plan not later than the thirtieth day after the day on which the shared work plan is received by the division. The division shall approve or deny a plan in writing. If the division denies a plan, the division shall notify the employer of the reasons for the denial. Approval or denial of a plan by the division shall be final and such determination shall be subject to review in the manner otherwise provided by law. If approval of a plan is denied by the division, the employer may submit a new plan to the division for consideration no sooner than forty-five calendar days following the date on which the division disapproved the employer's previously submitted plan.

8. The division may revoke approval of a shared work plan and terminate the plan if it determines that the shared work plan is not being executed according to the terms and intent of the

shared work unemployment compensation program, or if it is determined by the division that the approval of the shared work plan was based, in whole or in part, upon information contained in the plan which was either false or substantially misleading.

9. Each shared work plan approved by the division shall become effective on the first day of the week in which it is approved by the division or on a later date as specified in the shared work plan. Each shared work plan approved by the division shall expire on the last day of the twelfth full calendar month after the effective date of such shared work plan.

10. An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as originally approved by the division. The employer shall report the changes made to the plan in writing to the division at least seven days before implementing such changes. The division shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection 4 of this section. The approval of a modified shared work plan shall not, under any circumstances, affect the expiration date originally set for the shared work plan. If modifications cause the shared work plan to fail to meet the requirements for approval, the division shall deny approval of the modifications as provided in subsection 7 of this section.

11. Notwithstanding any other provisions of this chapter, an individual is unemployed for the purposes of this section in any week in which the individual, as an employee in an affected unit, works less than his normal weekly hours of work in accordance with an approved shared work plan in effect for that week.

12. An individual who is otherwise entitled to receive regular unemployment insurance benefits under this chapter shall be eligible to receive

shared work benefits with respect to any week in which the division finds that:

(1) The individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(2) Notwithstanding the provisions of subdivision (2) of subsection 1 of section 288.040, the individual is able to work, available for work and works all available hours with the participating employer;

(3) The individual's normal weekly hours of work have been reduced by at least twenty percent but not more than forty percent, with a corresponding reduction in wages; and

(4) The individual has served a "waiting week" as defined in section 288.030.

13. A waiting week served under the provisions of subdivision (3) of subsection 1 of section 288.040 shall serve to meet the requirements of subdivision (4) of subsection 12 of this section and a waiting week served under the provisions of subdivision (4) of subsection 12 of this section shall serve to meet the requirements of section 288.040. If the waiting week becomes payable, it shall be paid according to the law governing the program under which it was served. Notwithstanding any other provisions of this chapter, an individual who files a new initial claim during the pendency of the twelve-month period in which a shared work plan is in effect shall serve a waiting week whether or not the individual has served a waiting week under this subsection.

14. The division shall not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of this chapter that relates to availability for work, active search for work, or refusal to apply for or accept work with an employer other than the participating employer under the plan.

15. The division shall pay an individual who is eligible for shared work benefits under this

section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment less any deductible amounts under this chapter except wages received from any employer, multiplied by the full percentage of reduction in the individual's hours as set forth in the employer's shared work plan. If the shared work benefit amount calculated under this subsection is not a multiple of one dollar, the division shall round the amount so calculated to the next lowest multiple of one dollar. An individual shall be ineligible for shared work benefits for any week in which the individual performs paid work for the participating employer in excess of the reduced hours established under the shared work plan.

16. An individual shall not be entitled to receive shared work benefits and regular unemployment compensation benefits in an aggregate amount which exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided under section 288.038. Notwithstanding any other provisions of this chapter, an individual shall not be eligible to receive shared work benefits for more than twenty-six calendar weeks during the twelve-month period of the shared work plan. No week shall be counted as a week of unemployment for the purposes of this subsection unless it occurs within the twelve-month period of the shared work plan.

17. Notwithstanding any other provision of this chapter, all benefits paid under a shared work plan, which are chargeable to the participating employer or any other base period employer of a participating employee shall be charged to the account of the participating employer under the plan.

18. An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under section 288.062 and is entitled to receive extended benefits under section 288.062 if the individual is otherwise eligible under that section."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**, as amended: Senators Klindt, Steelman, Clemens, Caskey and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 199**, as amended: Senators Childers, Griesheimer, Nodler, Caskey and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 686**, as amended: Senators Russell, Foster, Childers, Caskey and Stoll.

**PRIVILEGED MOTIONS**

Senator Russell moved that the conferees on **HS** for **HCS** for **SCS** for **SB 686**, as amended, be allowed to exceed the differences by allowing school districts to place on the ballot bond issues for the purpose of rebuilding property damaged by severe weather, which motion prevailed.

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 600**

The Conference Committee appointed on

Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House No. 600, with Senate Amendments Nos. 1, 2, 3, 4, 5, 8, 9, 11, 13, Part II of No. 14, 15, 16, 17, 18 as amended, 19, and 20, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House No. 600, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 600;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House No. 600, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charlie Shields	/s/ Shannon Cooper
/s/ Carl M. Vogel	/s/ Mike Sutherland
/s/ Charles R. Gross	/s/ Allen Icet
/s/ Jim Mathewson	Robert Hilgemann
/s/ Wayne Goode	Vicky Riback Wilson

Senator Shields moved that the above conference committee report be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS** for **SS** for **SCS** for **HCS** for **HB 600**, as amended, and request the House to grant further conference; and further that the conferees be allowed to exceed the differences to include only items that will bring in additional revenue to the state of Missouri and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Stoll and Wheeler.

The substitute motion made by Senator Jacob failed of adoption by the following vote:

YEAS—Senators  
 Bray Caskey Coleman Days  
 Dougherty Goode Jacob Kennedy  
 Mathewson Quick Stoll Wheeler—12

NAYS—Senators  
 Bartle Cauthorn Champion Childers  
 Clemens Foster Gibbons Griesheimer  
 Gross Kinder Loudon Nodler  
 Russell Scott Shields Steelman  
 Vogel Yeckel—18

Absent—Senators  
 Bland Dolan—2

Absent with leave—Senators  
 DePasco Klindt—2

Senator Shields moved that the Conference Committee Report on **SS** for **SS** for **SCS** for **HCS** for **HB 600** 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  
 Loudon Mathewson Nodler Quick  
 Russell Scott Shields Steelman  
 Stoll Vogel Wheeler Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators  
 DePasco Klindt—2

On motion of Senator Shields, **CCS** for **SS** for **SS** for **SCS** for **HCS** for **HB 600**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
 FOR 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, 34.040,

67.990, 71.620, 143.124, 143.181, 143.225, 143.782, 144.025, 144.030, 144.081, 144.190, 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, 338.520, 338.545, 338.550, 339.105, 351.120, 351.140, 351.484, 355.856, 356.211, 577.041, 577.049, and 577.520, RSMo, and to enact in lieu thereof forty-two new sections relating to taxation, with penalty provisions and an emergency clause.

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  
 Gross Jacob Kennedy Kinder  
 Loudon Mathewson Nodler Quick  
 Russell Scott Shields Steelman  
 Stoll Vogel Wheeler Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators  
 DePasco Klindt—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

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

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators

DePasco Klindt—2

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

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

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

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 555**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 555

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 555;
3. That the attached Conference Committee Substitute for House Substitute for House

Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 555, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Peter Kinder	/s/ Lanie G. Black
/s/ Sarah Steelman	/s/ Richard Byrd
/s/ David G. Klindt	/s/ Peter Myers
/s/ Wayne Goode	/s/ Thomas George
/s/ Pat Dougherty	/s/ Gina Walsh

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Kinder, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 555

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

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
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

The President declared the bill passed.

The emergency clause was adopted 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
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

DePasco	Klindt—2
---------	----------

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

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

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

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 298**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 298

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, with House Amendments Nos. 1, 2, 3, 4, and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 298;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, be Third Read and Finally Passed.

FOR THE SENATE:      FOR THE HOUSE:

/s/ John Griesheimer	/s/ Robert Johnson
/s/ Doyle Childers	/s/ Kim Engler
/s/ Sarah Steelman	Ed Emery
/s/ Jim Mathewson	/s/ Thomas Villa
/s/ Stephen Stoll	/s/ Cathy Jolly

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



YEAS—Senators

Bray	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Mathewson
Nodler	Quick	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—24

NAYS—Senators

Bartle	Bland	Caskey	Cauthorn
Foster	Loudon	Russell	Scott—8

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt—2

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

On motion of Senator Griesheimer, **CCS** for **HCS** for **SS** for **SCS** for **SB 298**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR HOUSE COMMITTEE SUBSTITUTE  
FOR SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 298

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, 311.480, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twenty-two new sections relating to liquor control, with penalty provisions.

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

YEAS—Senators

Bray	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

NAYS—Senators

Bartle	Bland	Caskey	Foster
Russell	Scott—6		

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 379**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 379

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 379, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 379;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 379;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No.

379, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Norma Champion
- /s/ Gary Nodler
- /s/ Doyle Childers
- /s/ Jim Mathewson
- /s/ Charles Wheeler
- /s/ Mark Wright
- /s/ Larry Morris
- /s/ Bob Dixon
- /s/ Thomas George
- /s/ Ray Salva

Senator Champion moved that the above conference committee report 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
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Champion, CCS for HCS for SCS for SB 379, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 379

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

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

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

Senator Dolan moved that the conference be dissolved on HCS for SB 401 and that HCS for SB 401 be taken up for third reading and final passage, which motion prevailed.

HCS for SB 401, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 401

An Act to repeal sections 595.010 and 595.045, RSMo, and to enact in lieu thereof two new sections relating to crime victim compensation, with penalty provisions.

Was taken up.

Senator Dolan moved that HCS for SB 401 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon

Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Dougherty Mathewson—2

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Dolan, **HCS** for **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dougherty Mathewson—2

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

Senator Dolan 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 Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 36**,

as amended, moved that the following conference committee report no. 3 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 3  
ON HOUSE COMMITTEE SUBSTITUTE  
FOR SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 36

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, with House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 3 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, and House Amendment No. 12, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 36;

3. That the attached Conference Committee Substitute No. 3 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ David G. Klindt	/s/ Peter Myers
/s/ Sarah Steelman	/s/ Dennis Wood
/s/ Dan Clemens	/s/ Merrill Townley
/s/ Harold Caskey	/s/ Wes Shoemyer
/s/ Harry Kennedy	/s/ Rachel L. Bringer

Senator Steelman moved that the above conference committee report no. 3 be adopted.

At the request of Senator Steelman, the above motion was withdrawn.

### 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 **SCS** for **SB 346**, entitled:

An Act to repeal sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SB 695**, entitled:

An Act to repeal sections 208.015, 208.151, 208.152, 208.154, 208.156, 208.162, 208.565, 208.640, 208.643, 338.501, 338.515, 338.520, 338.545, and 338.550, RSMo, and to enact in lieu thereof twelve new sections relating to medical services and eligibility, with an emergency clause.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Bill 695, Section 208.015, Page 3,

Lines 7-13 by deleting all of said lines; and

Further amend said bill, Section 208.151, Page 13, Line 10 by inserting after the word "level" on said line the following:

**"Notwithstanding any other provision of law to the contrary, if in any given fiscal year moneys are not appropriated for coverage of medical assistance for persons whose income, calculated using less restrictive income methodologies, as authorized in 452 U.S.C. section 1396 (r)(2), exceeds eighty percent of the federal poverty level, those persons will not be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits in that fiscal year."**; and

Further amend said bill, Section 208.151, Pages 13 and 14, Lines 20 through 25 on page 13, and Lines 1 through 3 on Page 14 by deleting all of said lines and inserting in lieu thereof the following:

**"disability benefits shall not be limited by age."**; and

Further amend said bill, Section 208.152, Page 20, Lines 7-14, by deleting all of said lines and inserting in lieu thereof the following:

**"(a) Effective July 1, 2003, any policy not already in existence imposing restrictions of payment for services authorized under subdivision 9 of subsection 1 of this section, including but not limited to prior authorization or preferred drug lists, shall only be implemented by rules and regulations pursuant to chapter 536, RSMo. Clinical edits and step therapy shall be considered a form of prior authorization for purposes of the rule making process.**

**(b) The department may conduct negotiations for supplemental rebates with individual manufacturers and such negotiations shall not have any predetermined discount levels.**

**(c) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this chapter, or under an agreement with the division, 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 the prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided in the division of medical services for rebate administration.”; and**

Further amend said bill, Section 208.152, Page 29 and 30, Lines 17 through 25 on page 29 and Line 1 on Page 30 by deleting all of said lines and inserting in lieu thereof the following:

**“the state for goods or services described herein; except that, any payments made by recipients for nonemergency medically necessary transportation under this section shall be a credit against any payments owed by the state for such services. In the event a vendor of nonemergency medically necessary transportation does not receive co-payments pursuant to this section, then the vendor is not obligated to provide such services. If the vendor provides such services pursuant to orders of a court, or is mandated by the division of medical services or its successor, the vendor shall receive payments equal to the amounts of services rendered pursuant to the agreement with the division of medial services or its successor for such services.”; and**

Further amend said bill, Section 208.154, Pages 31 and 32, Lines 17 through 25 on page 31 and Lines 1 through 6 on Page 32 by deleting all of said lines and inserting in lieu thereof the following:

**“208.154 [If the funds at the disposal or which may be obtained by the division of family services] 1. Notwithstanding any other provision of law to the contrary, [for the] payment of public**

**assistance [money payment] benefits pursuant to section 208.015, RSMo, or the payment of medical assistance benefits pursuant to section 208.162, RSMo, may only be provided if appropriations are made available for such benefits.**

**2. If the funds available to the department of social services and its divisions for the payment of benefits pursuant to sections 208.015 and 208.162, RSMo [or to or on behalf of any person for medical assistance benefits] shall at any time become insufficient to pay the full amount thereof, the amount of any such [type of] payment [to or on behalf of each of such persons] shall be reduced pro rata [in proportion to such deficiency in the total amount available or to become available for such purpose].**

**3. If in any given fiscal year moneys are not appropriated to fund the benefits in sections 208.015 or 208.162, RSMo, such benefits shall not be provided and persons otherwise eligible for benefits will no longer be deemed eligible for such benefits during that fiscal year.**

**4. Resources available shall be documented by the moneys appropriated by law for the purposes described in this section, less actions by the governor pursuant to article IV, sections 26 and 27 of the Missouri constitution, and section 33.290, RSMo.”; and**

Further amend said bill, Section 208.640, Page 40, Line 7 by inserting after all of said line the following:

**“4. Any co-payments for which participants are responsible pursuant to this section shall be a credit against any payments owed by the state for such services, except that if such copayment is not paid by the participant, the state shall pay the amount of the credit to the provider if a claim is made to the division of medical services as outlined in subdivision c of subsection 5 of this section.**

**5. If a mandatory co-payment is not paid,**

the provider may:

- a. Forego the co-payment; or
- b. Make arrangements for future payments with the recipient; or
- c. The provider shall make reasonable efforts to collect copays. After said efforts, the provider may file a claim with the division of medical services to report the non-payment and secure payment for the service from the division of medical services.

6. When the division of medical services receives a claim from a provider for non-payment of a mandatory co-payment, the division shall send a notice to the recipient. Such notice shall:

- a. Request the recipient to reimburse the division of medical services for the mandatory co-payment made on the recipient's behalf;

- b. Request information from the recipient to determine whether the mandatory co-payment was not made because of a change in the financial situation of the family; and

- c. Advise the recipient of the possible loss of coverage under the program for up to six months if the recipient fails to provide three co-payments within a one-year period. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of this subdivision.”; and

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

Emergency clause defeated.

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

Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 173**, as amended. Representatives: Hunter, Brown, Parker, Walton and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, entitled:

An Act to repeal sections 56.807, 84.140, 86.251, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1093, 169.712, and 287.845, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Page 31, Section 104.040, Line 1, by inserting after the word “his”, the words, “or her”; and

Further amend said bill, Page 36, Section 104.110, Line 15, by inserting after “residence;”, the word, “and”; and

Further amend said bill, said page, said section, Line 17, by deleting the word, “for”; and

Further amend said bill, Page 54, Section 104.517, Line 18, by inserting after “residence;”, the word, “and”; and

Further amend said bill, Page 78, Section 104.1072, Line 11, by inserting after “residence;”, the word “and”; and

Further amend said bill, Page 85, Section 1, Line 4, by deleting the word, “Medical” and

inserting in lieu thereof, the word, “**medical**”; and

Further amend said bill, Page 88, Section 2, Line 9, by deleting the word, “**affected**” and inserting in lieu thereof, the word “**effected**”; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Page 89, Section 2, Line 11, by deleting the words, “**personnel advisory board.**” and inserting in lieu thereof, the words, “**office of administration.**”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341, & 420, Pages 2-3, Section 56.807, Lines 5-17, by removing said section from the bill; and

Further amend said bill, Pages 83-84, Section 488.026, by deleting said section from the bill; and

Further amend the title enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

**RESOLUTIONS**

Senator Vogel offered Senate Resolution No. 990, regarding Roxy Flores, which was adopted.

Senator Vogel offered Senate Resolution No. 991, regarding Christopher Young, which was adopted.

Senator Jacob offered Senate Resolution No. 992, regarding Vickie South, which was adopted.

Senator Jacob offered Senate Resolution No. 993, regarding Zach Ketner, which was adopted.

Senator Klindt offered Senate Resolution No. 994, regarding Seth Michael Cox, Trenton, which was adopted.

Senator Foster offered Senate Resolution No. 995, regarding Jerome M. Holtmeyer, Jefferson City, which was adopted.

Senator Dolan offered Senate Resolution No. 996, regarding Sara R. Dietrich, Lake St. Louis, which was adopted.

**COMMUNICATIONS**

Senator Klindt submitted the following:

May 13, 2003

Mrs. Terry L. Spieler, Secretary of the Senate  
Room 325, State Capitol  
Jefferson City, MO 65101

Dear Secretary Spieler:

Due to a personal medical emergency, I find it necessary to take temporary leave of the Senate at this time. Regarding CCS/HCS/SS/SB 36, I have signed Conference Committee Report #3 and in my absence am designating Senator Sarah Steelman to take control of the bill as sponsor.

Thank you.

Sincerely,  
/s/ David G. Klindt  
State Senator

**INTRODUCTIONS OF GUESTS**

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Wednesday, May 14, 2003.

## SENATE CALENDAR

SEVENTY-THIRD DAY—WEDNESDAY, MAY 14, 2003

## FORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SB 564-Gross

## SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SJR 4-Cauthorn

SB 454-Coleman and  
Dougherty, with SCS

Unofficial

## HOUSE BILLS ON THIRD READING

HB 189-Parker, et al  
(Klindt/Vogel)HCS for HB 688, with SCS  
(Kinder)HS for HCS for HB 121-  
Portwood, with SCS (Shields)

HB 593-Deeken, et al (Loudon)

HCS for HB 640 (Days)

HS for HCS for HB 455-  
Thompson, with SCS (Kinder)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with  
SCS & SS for SCS (pending)SB 217-Champion and Clemens,  
with SS (pending)SB 24-Steelman, with SCS  
& SS for SCS (pending)

SB 241-Yeckel, with SCS

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,

SBs 312, 49, 111, 113, 191, 206,  
263, 404, 409, 418, 538, 550 &

SS for SS &amp; SA 1 (pending)

584-Dolan, et al, with SCS

SB 112-Loudon, with SCS

SBs 343, 89, 134, 171, 240, 261,

SBs 125 & 290-Goode, with  
SCS & SA 6 (pending)

331, 368, 369, 419, 484 &amp;

581-Dolan, with SCS

SB 209-Steelman, et al, with SCS

SB 347-Loudon, et al, with SCS

Copy



SB 362-Steelman and Gross  
SBs 381, 384, 432 & 9-Dolan,  
with SCS & SS for SCS (pending)  
SBs 415, 88, 200, 223, 413, 523,  
589 & 626-Yeckel, with SCS  
SB 416-Yeckel, with SCS  
SB 434-Yeckel, with SCS  
SB 436-Klindt, with SCS, SS  
for SCS & SA 2 (pending)  
SB 446-Bartle, with SCS  
SB 449-Bartle

SB 450-Mathewson, et al, with  
SCS, SS for SCS & SA 2 (pending)  
SB 455-Dougherty and Shields  
SB 458-Childers  
SB 460-Loudon, with SS & SA 1 (pending)  
SB 476-Jacob  
SB 485-Shields, with SCS  
SB 531-Childers, with SCS  
SB 685-Gibbons, et al, with SCS  
SB 693-Klindt, et al, with SCS  
SJR 13-Stoll

#### HOUSE BILLS ON THIRD READING

HB 91-Mayer, with SCS  
(Steelman)  
HCS for HB 144, with SCS  
(Vogel)  
HCS for HB 185, with SCS  
(Gross)  
HS for HB 197-Johnson (47),  
with SCS, SS for SCS & point  
of order (pending) (Shields)  
HB 198-Stevenson, et al (Nodler)  
HB 208-Engler, et al, with SCS  
(Kinder)  
HS for HCS for HB 257-  
Munzlinger, with SCS (Cauthorn)  
SS for SCS for HB 286-Bearden (Shields)  
(In Fiscal Oversight)  
HCS for HB 288, with SCS  
(Shields)

HS for HCS for HB 321-  
Wilson (130), with SS & SS  
for SS (pending) (Loudon)  
HB 327-Lipke, with SCS (Dolan)  
HB 444-Jackson, with SCS, SS for  
SCS, SS for SS for SCS, SA 1 &  
SSA 2 for SA 1 (pending)  
(Yeckel)  
HB 445-Portwood, et al, with SCS  
(Loudon)  
HS for HB 481-Crowell (Bartle)  
HS for HCS for HBs 517, 94, 149,  
150 & 342-Portwood, with SCS  
(Gross)  
HS for HCS for HB 564-Behnen,  
with SCS (Yeckel)  
HB 598-Schlottach, et al, with  
SCS (Dolan)

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

## SENATE BILLS WITH HOUSE AMENDMENTS

SS#2 for SS for SCS for  
SB 2-Russell, with HS, as amended

SS for SB 242-Yeckel, with HCS

SS#2 for SCS for SBs 248,  
100, 118, 233, 247,  
341 & 420-Gross, with  
HS for HCS, as amended

SS for SCS for SB 346-  
Yeckel, with HCS

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SCS for SB 385-Scott,  
with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SB 668-Cauthorn and Klindt, with  
HS for HCS, as amended

SS#2 for SB 695-Goode and

Russell, with HS, as amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-  
Klindt/Steelman, with HCS,  
as amended

(Further conference granted)

SCS for SB 69-Yeckel and  
Nodler, with HCS

(Senate adopted CCR  
and passed CCS)

SB 173-Quick, with HS for  
HCS, as amended

SB 186-Cauthorn, with HCS

(Senate adopted CCR  
and passed CCS)

SCS for SB 199-Childers, with  
HS for HCS, as amended

SCS for SB 246-Steelman, et al,  
with HS for HCS, as amended

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

(Senate adopted CCR and passed CCS)

SCS for SBs 299 & 40-  
Champion, et al, with HS, as amended  
(Senate adopted CCR  
and passed CCS)

SCS for SB 379-Champion, with HCS  
(Senate adopted CCR  
and passed CCS)

SB 394-Bartle, with HCS,  
as amended  
(Senate adopted CCR  
and passed CCS)

SB 552-Yeckel, with HCS  
(Senate adopted CCR#2  
and passed bill)

SS for SCS for SB 555-Kinder,  
with HS for HCS  
(Senate adopted CCR  
and passed CCS)

SCS for SB 686-Russell, with  
HS for HCS, as amended  
HCS for HB 427, with SCS (Bartle)

HCS for HB 613, with SCS,  
as amended (Bartle)

HS for HB 668-Crawford,  
with SS for SCS, as  
amended (Dolan)

HS for HCS for HBs 679 &  
396-Hanaway, with SS,  
as amended (Shields)

# Unofficial

## RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

# Journal

Reported from Committee

SR 30-Shields, with SCS, SS  
for SCS & SA 1 (pending)

SCR 4-Jacob

SCR 18-Mathewson and  
Steelman

SR 900-Mathewson

SR 919-Steelman, et al,  
with SCS

SR 977-Griesheimer

# Copy