

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—MONDAY, MAY 12, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of Wisdom” (Proverbs 9:10)

Gracious God, we thank You that standing in awe of You helps us see our proper place in this world and for the wisdom that we can gain from that stance. We thank You for bringing us safely through this weekend and back here. We ask, bless us, O Lord, as we face these final days of needed decisions and grant us to see their effect on our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Friday, May 9, 2003, was read and approved.

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

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty

Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 953, regarding SSM St. Joseph Hospital West, Lake Saint Louis, which was adopted.

On behalf of Senator DePasco, Senator Jacob offered Senate Resolution No. 954, regarding Janice K. Reid, Leawood, Kansas, which was adopted.

Senator Bland offered Senate Resolution No. 955, regarding Kenneth Hughlon, II, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 956, regarding Quentin Savvoir, Kansas City, which was adopted.

Senator Dolan offered Senate Resolution No. 957, regarding Tiffany Burns, which was adopted.

Senator Nodler offered Senate Resolution No. 958, regarding Leisa Matthews, Carthage, which was adopted.

Senator Nodler offered Senate Resolution No. 959, regarding Travis Adams, which was adopted.

Senator Nodler offered Senate Resolution No. 960, regarding Matt Major, which was adopted.

Senator Nodler offered Senate Resolution No. 961, regarding Danielle Dudley, which was adopted.

Senator Gibbons offered Senate Resolution No. 962, regarding Tim Schaeffer, Kirkwood, which was adopted.

Senator Gross offered Senate Resolution No. 963, regarding Melissa Gumm, which was adopted.

Senator Loudon offered Senate Resolution No. 964, regarding Tyler Altrup, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 965, regarding Wendy Goldstein, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 966, regarding Ross Calliott, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 967, regarding David Roberts, Chesterfield, which was adopted.

Senator Jacob offered Senate Resolution No. 968, regarding Arthi Vellore, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 969, regarding Nick Hare, Columbia, which was adopted.

Senator Jacob offered Senate Resolution No. 970, regarding Shawn Sahota, Columbia, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **HCR 15** be taken up for third reading and final passage, which motion prevailed.

On motion of Senator Cauthorn, **HCR 15** was read the third time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Wheeler	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Coleman	Dolan	Quick	Scott
Stoll	Vogel—6		

Absent with leave—Senators

Bland	DePasco—2
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The President declared the concurrent resolution passed.

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

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

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

PRIVILEGED MOTIONS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 511**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 511

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, with

Senate Amendments Nos. 1, 2, 3, 4, 5, 6, 9, 11, and 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, as amended;

2. That the House recede from its position on House Substitute for House Bill No. 511;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Anita Yeckel /s/ Bob May
- /s/ Delbert Scott /s/ Bill Deeken
- /s/ Matt Bartle /s/ Brian Yates
- /s/ Rita Heard Days /s/ James Seigfried
- /s/ Stephen Stoll /s/ Curt Dougherty

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

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

NAYS—Senators—None

Absent—Senators
Coleman Dolan—2

Absent with leave—Senators

Bland DePasco—2

On motion of Senator Yeckel, CCS for SS for SCS for HS for HB 511, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 511

An Act to repeal sections 115.027, 115.073, 115.074, 115.076, 115.077, 115.085, 115.098, 115.103, 115.105, 115.107, 115.115, 115.125, 115.127, 115.133, 115.135, 115.155, 115.157, 115.158, 115.159, 115.165, 115.275, 115.277, 115.279, 115.283, 115.284, 115.287, 115.292, 115.417, 115.430, 115.436, 115.637, 115.761, 115.801, 116.175, 116.190, 162.601, 247.170, and 321.120, RSMo, and to enact in lieu thereof forty-one new sections relating to elections, with a penalty provision and an emergency clause.

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

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators

Bland	DePasco—2
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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.

HOUSE BILLS ON THIRD READING

HB 598, with **SCS**, was placed on the Informal Calendar.

HB 327, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 185**, with **SCS**, was placed on the Informal Calendar.

HB 91, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 679** and **396**, entitled:

An Act to repeal sections 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.518, 210.565, 210.903, 210.909, 210.937, 211.032, 211.059, 211.171, 211.181, 211.321, 453.110, 475.024, 491.075, 492.304, and 630.210, RSMo, and to enact in lieu thereof forty new sections relating to the state foster care system, the

Dominic James Memorial Foster Care Reform Act of 2003, with penalty provisions.

Was taken up by Senator Shields.

Senator Shields offered **SS** for **HS** for **HCS** for **HBs 679** and **396**, entitled:

**SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 679 and 396**

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 135.327, 168.071, 192.016, 207.050, 207.060, 208.047, 208.152, 208.204, 210.025, 210.109, 210.110, 210.145, 210.152, 210.160, 210.183, 210.201, 210.211, 210.254, 210.518, 210.565, 210.760, 210.903, 210.909, 210.922, 210.937, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 453.020, 453.030, 453.060, 453.110, 475.024, 491.075, 492.304, 537.046, 610.120, 610.123, 630.140, 630.167, 630.170, 630.210, and 660.317, RSMo, and to enact in lieu thereof eighty-six new sections relating to the state foster care and protective services for children, with penalty provisions.

Senator Shields moved that **SS** for **HS** for **HCS** for **HBs 679** and **396** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 39, Section 207.085, Line 2 of said page, by striking the word “dismissed” and inserting in lieu thereof the words “**subject to dismissal**”; and further amend line 10 of said page, by striking the word “dismissed” and inserting in lieu thereof the words “**subject to dismissal**”; and further amend line 23 of said page, by striking the word “shall” and inserting in lieu thereof the word “**may**”; and further amend line 28 of said page, by

striking the word “dismissed” and inserting in lieu thereof the words “**subject to dismissal**”.

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

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Pages 95-98, Section 210.254, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 101, Section 210.518, Line 17 of said page, by striking the word “monthly” and inserting in lieu thereof the words “**as frequently as appropriate**”.

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

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 54, Section 210.025, Line 7 of said page, by striking the opening bracket “[”]; and further amend said line, by striking the closing bracket “]”]; and further amend line 8 of said page, by striking the words “by a preponderance of the evidence”; and further amend line 26 of said page, by striking the opening bracket “[”]; and further amend said line, by striking the closing bracket “]”]; and further amend line 27 of said page, by striking the words “by a preponderance of the evidence”; and

Further amend said bill, Page 59, Section 210.110, Line 8 of said page, by striking the opening bracket “[”]; and further amend said line, by striking the closing bracket “]”]; and further amend lines 8-9 of said page, by striking the words “by a preponderance of the evidence”; and

Further amend said bill, Page 61, Section 210.110, Lines 2-7 of said page, by striking all of said lines and inserting in lieu thereof the following:

“(11) “Report”, the communication of an allegation of child”; and further amend by renumbering the remaining subdivision accordingly; and

Further amend said bill, Page 82, Section 210.152, Lines 21-22 of said page, by striking the words “by a preponderance of the evidence”; and further amend line 22 of said page, by striking the opening bracket “[”]; and further amend said line, by striking the closing bracket “]”]; and

Further amend said bill, Page 83, Section 210.152, Line 3 of said page, by striking the opening bracket “[”]; and further amend lines 4-5 of said page, by striking all of said lines and inserting in lieu thereof the following: “neglect.”; and further amend line 18 of said page, by striking the opening bracket “[”]; and further amend line 19 of said page, by striking the closing bracket “]”]; and further amend lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: “. **The abuse and neglect review board shall provide the alleged perpetrator with an opportunity to appear and present testimony.** The child”; and

Further amend said bill, Page 84, Section 210.152, Line 13 of said page, by striking the opening bracket “[”]; and further amend line 16 of said page, by striking the following: “] In the de”; and further amend lines 17-19, by striking all of said lines and inserting in lieu thereof the following: “The circuit”; and

Further amend said bill, Page 88, Section

210.183, Line 8 of said page, by striking the opening bracket “[”]; and further amend said line by striking the closing bracket “]”; and further amend lines 8-9 of said page, by striking the words “by a preponderance of the evidence reason”; and further amend line 12 of said page, by striking the opening bracket “[”]; and further amend said line by striking the closing bracket “]”; and further amend line 13 of said page, by striking the words “by a preponderance of the evidence that”; and further amend line 18 of said page, by striking the opening bracket “[”]; and further amend said line by striking the closing bracket “]”; and further amend line 19 of said page, by striking the words “evidence to prove by a preponderance of the evidence that”; and

Further amend said bill, Page 104, Section 210.903, Line 28 of said page, by striking the opening bracket “[”]; and further amend said line by striking the closing bracket “]”; and further amend lines 28-29 of said page, by striking the words “by a preponderance of the evidence”; and

Further amend said bill, Page 105, Section 210.909, Line 20 of said page, by striking the opening bracket “[”]; and further amend said line by striking the closing bracket “]”; and further amend line 21 of said page, by striking the words “by a preponderance of the evidence”; and further amend line 23 of said page, by striking the opening bracket “[”]; and further amend line 24 of said page, by striking the closing bracket “]”.

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

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler—10		

NAYS—Senators

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

Absent—Senator Coleman—1

Absent with leave—Senators

Bland DePasco—2

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 111, Section 211.031, Line 16, by deleting said line and inserting in lieu thereof the following:

“5. Nothing in subsection 4 shall be interpreted as”.

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

President Maxwell assumed the Chair.

Senator Childers offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 89, Section 210.187, Line 13 of said page, by inserting after the word “services” the following: **“, with a member from each congressional district who shall have been selected by the division from nominees provided by the Missouri Press Association,”.**

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

Senator Steelman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 92, Section 210.201, Lines 13-29, by striking said lines from the act; and

further amend said section, page 93, lines 1-23, by striking said lines from the act; and further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 66, Section 210.112, Line 5, by deleting “**twenty**” and inserting “**fifteen**”; and by deleting the word “five” on line 6 and on line 7, by deleting all after the word “**Division.**”; and all on lines 8-21.

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

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 6, Section 37.730, Lines 24-27, by deleting all underlined words after “**office.**” on line 24 and before “**Every**” on line 27.

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

Senator Scott offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 80, Section 210.145, Line 18, following section 210.145.20, by inserting the following:

“21. Any interview of a child by the division or any member of any interdisciplinary team or emergency child protection team or by any representative of the Office of Child Advocate For Children’s Protection and Services shall be videotape or audiotape recorded in its entirety. The

division shall develop interview protocols to be followed by the division and the local office and the office of Child Advocate For Children’s Protection and Services and shall promulgate said protocols as rules and regulations pursuant to the provisions of section 207.021.1, RSMo, and chapter 536, RSMo.”.

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

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 39, Section 207.085.4, Lines 27 and 28, following the words “serious physical injury or death” insert the following: “to a child or that results in civil liability to the state or any of its agencies or subdivisions whether by settlement or trial”.

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

Senator Scott offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 57, Section 210.109.3(3), Line 15, following the words “classification of the reporter” insert the following “and except that no employee of the division of family services or of a juvenile office shall make an anonymous report either directly or through another person.”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 12** was withdrawn.

Senator Scott offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

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

Nos. 679 and 396, Page 57, Section 210.109.3(3), Line 15, following the words “classification of the reporter” insert the following “and except that no employee of the division of family services or of a juvenile office shall make an anonymous report.”.

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

Senator Childers offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 207.050, Line 19, by deleting the brackets on line 19 and line 9 on page 184; and further amend said section, page 183, line 19, by deleting the word “shall” on said line and insert in lieu thereof the word “may”; and further amend said section and page, line 29, by deleting the words beginning with the word “if” on said line and deleting to the period “.” on line 37; and further amend the title and enacting clause accordingly.

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

Senator Champion offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 102, Section 210.565, Line 14 of said page, by inserting immediately after said line the following:

“4. Any relative who has a child placed in their custody pursuant to this section, including any other relatives who are residing in their household, shall not be required to submit fingerprints for a criminal background check pursuant to subdivision (2) of subsection 1 of section 210.487.”; and renumber the remaining subsections accordingly.

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

Senator Gross offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 103, Section 210.760, Line 19 of said page, by adding after all of said line the following:

“3. No employee of the division or any employee of a public or charter school within this state shall perform a strip search, as that term is defined in section 544.193, RSMo, of any student of any such school without the signed permission of one of the student's parents or guardian.

(1) No strip search of any minor shall be performed outside the presence of any parent or guardian not otherwise the subject of an investigation of abuse or neglect if said parent or guardian request to be present. Any qualified parent or guardian shall be notified of their right to request said presence.

(2) In addition, no employee of the division or any employee of a public or charter school shall direct a student to take part in, direct, or supervise a strip search of a fellow student. For the purposes of this section, the term “employee” shall include all temporary and part-time employees of the division or such public and charter schools.

(3) Any employee of the division or any employee of a public school or charter school who violate the provisions of this section shall be immediately suspended without pay, pending an evidentiary hearing when such employee is entitled by statute or contract to such hearing.”.

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

Senator Scott offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for House Substitute

for House Committee Substitute for House Bills Nos. 679 and 396, Page 115, Section 211.059, Line 14, following subsection 211.059.2 insert the following:

“3. Any interrogation of or interview with a child taken into custody by a juvenile officer or law enforcement official shall be audiotape recorded or videotape recorded in its entirety. “Custody”, for purposes of this section, is defined as any situation in which a child has been deprived of his liberty to leave. Any failure to comply with the provisions of this section shall render any and all statements made by the child inadmissible in any future judicial proceeding. Each of the warnings in section 211.059.1 shall be given while recording.”

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

Senator Cauthorn offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 59, Section 210.110, Line 2 of said page, by striking the word “any” and inserting in lieu thereof the words “**death or serious**”; and further amend said line by inserting after the word “or” the following: “**severe**”; and

Further amend said bill, Page 60, Section 210.110, Line 6 of said page, by inserting after all of said line the following:

“(7) “**Emergency**”, a real and substantive risk of sexual abuse, imminent danger of death, or serious physical harm;”; and

further amend by renumbering the remaining subdivisions accordingly; and further lines 25-26 of said page, by striking all of said lines and inserting in lieu thereof the following: “nutrition [or], medical[,] or surgical[, or any other care necessary for the child's well-being] **treatment**.”

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

Senator Wheeler offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 153, Section 453.110, Line 27 of said page, by inserting after all of said line the following:

“454.470. 1. [If a court order has not been previously entered or if a support order has been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997,] the director may issue a notice and finding of financial responsibility to a parent who owes a state debt or who is responsible for the support of a child on whose behalf the custodian of that child is receiving support enforcement services from the division pursuant to section 454.425 **if a court order has not been previously entered against that parent or if a support order from another state has been entered but is not entitled to recognition pursuant to sections 454.850 to 454.997**. A copy of the notice and finding shall be mailed to the last known address of both parents and any person or agency having custody of the child within fourteen days of the issuance of such notice and finding. When appropriate to the circumstances of the individual action, the notice shall state:

(1) The name of the person or agency with custody of the dependent child and the name of the dependent child for whom support is to be paid;

(2) The monthly future support for which the parent shall be responsible;

(3) The state debt, if any, accrued and accruing, and the monthly payment to be made on the state debt which has accrued;

(4) A statement of the costs of collection, including attorney's fees, which may be assessed against the parent;

(5) That the parent shall be responsible for providing medical insurance for the dependent

child;

(6) That if a parent desires to discuss the amount of support that should be paid, the parent or person having custody of the child may, within twenty days after being served, contact the division office which sent the notice and request a negotiation conference. The other parent or person having custody of the child shall be notified of the negotiated conference and may participate in the conference. If no agreement is reached on the monthly amount to be paid, the director may issue a new notice and finding of financial responsibility, which may be sent to the parent required to pay support by regular mail addressed to the parent's last known address or, if applicable, the parent's attorney's last known address. A copy of the new notice and finding shall be sent by regular mail to the other parent or person having custody of the child;

(7) That if a parent or person having custody of the child objects to all or any part of the notice and finding of financial responsibility and no negotiation conference is requested, within twenty days of the date of service the parent or person having custody of the child shall send to the division office which issued the notice a written response which sets forth any objections and requests a hearing; and, that if the director issues a new notice and finding of financial responsibility, the parent or person having custody of the child shall have twenty days from the date of issuance of the new notice to send a hearing request;

(8) That if such a timely response is received by the appropriate division office, and if such response raises factual questions requiring the submission of evidence, the parent or person having custody of the child shall have the right to a hearing before an impartial hearing officer who is an attorney licensed to practice law in Missouri and, that if no timely written response is received, the director may enter an order in accordance with the notice and finding of financial responsibility;

(9) That the parent has the right to be

represented at the hearing by an attorney of the parent's own choosing;

(10) That the parent or person having custody of the child has the right to obtain evidence and examine witnesses as provided for in chapter 536, RSMo, together with an explanation of the procedure the parent or person having custody of the child shall follow in order to exercise such rights;

(11) That as soon as the order is entered, the property of the parent required to pay support shall be subject to collection actions, including, but not limited to, wage withholding, garnishment, liens, and execution thereon;

(12) A reference to sections 454.460 to 454.510;

(13) That the parent is responsible for notifying the division of any change of address or employment;

(14) That if the parent has any questions, the parent should telephone or visit the appropriate division office or consult an attorney; and

(15) Such other information as the director finds appropriate.

2. The statement of periodic future support required by subdivision (2) of subsection 1 of this section is to be computed as follows:

(1) If there is sufficient information available to the division regarding the parent's financial and living situation, the scale and formula provided for in section 454.480 shall be used; or

(2) If there is insufficient information available to use the scale and formula, an estimate of ability to pay shall be the basis of the statement.

3. Any time limits for notices or requests may be extended by the director, and such extension shall have no effect on the jurisdiction of the court, administrative body, or other entity having jurisdiction over the proceedings.

4. If a timely written response setting forth

objections and requesting a hearing is received by the appropriate division office, and if such response raises a factual question requiring the submission of evidence, a hearing shall be held in the manner provided by section 454.475. If no timely written response and request for hearing is received by the appropriate division office, the director may enter an order in accordance with the notice, and shall specify:

(1) The amount of periodic support to be paid, with directions on the manner of payment;

(2) The amount of state debt, if any, accrued in favor of the department;

(3) The monthly payment to be made on state debt, if any;

(4) The amount of costs of collection, including attorney's fees, assessed against the parent;

(5) The name of the person or agency with custody of the dependent child and the name and birth date of the dependent child for whom support is to be paid;

(6) That the property of the parent is subject to collection actions, including, but not limited to, wage withholding, garnishment, liens, and execution thereon; and

(7) If appropriate, that the parent shall provide medical insurance for the dependent child, or shall pay the reasonable and necessary medical expenses of the dependent child.

5. The parent or person having custody of the child shall be sent a copy of the order by registered or certified mail, return receipt requested, addressed to the parent's last known address or, if applicable, the parent's attorney's last known address. The order is final, and action by the director to enforce and collect upon the order, including arrearages, may be taken from the date of issuance of the order. A copy of the order shall also be sent by regular mail to the person having custody of a child for whom an order is issued

pursuant to this section.

6. Copies of the orders issued pursuant to this section shall be mailed within fourteen days of the issuance of the order.

7. Any parent or person having custody of the child who is aggrieved as a result of any allegation or issue of fact contained in the notice and finding of financial responsibility shall be afforded an opportunity for a hearing, upon the request in writing filed with the director not more than twenty days after service of the notice and finding is made upon such parent or person having custody of the child, and if in requesting such hearing, the aggrieved parent or person having custody of the child raises a factual issue requiring the submission of evidence.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 58, Section 210.109, Line 14, by inserting after the word “RSMo” the following: “**and shall submit names of all employees to the Family Care Safety Registry**”; and

Further amend said bill, Page 62, Section 210.112, Line 28, by deleting all of said line and renumber subdivisions accordingly and further amend said section, page 63, line 7, by inserting at the end of said line the following: “**Any contracts entered into by the Division shall be in accordance with all federal laws and regulations and shall not result in a loss of federal funding.**”; and

Further amend said bill, Page 66, Section 210.112, Line 21, by inserting after all of said line, the following:

“6. If the division of family services is unable to reach any of the goals provided by the provisions of subsection 5 of this section by the target date, the division shall report such facts to the task force on children’s justice established by the division of family services.”; and

Further amend said bill, page 67, section 210.113, lines 27-29, by deleting the following: “The pilot project described in this section shall be in addition to all other privatization described by subdivision (8) of subsection 3 of section 210.109.”; and

Further amend said bill, pages 145-149, section 453.030, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Dougherty moved that the vote by which **SA 8** was adopted be reconsidered, which motion prevailed 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	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

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

SA 8 was again taken up.

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

Senator Dougherty offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 66, Section 210.112, Lines 5-6 of said page, by striking the word “twenty-five” on said line and inserting in lieu thereof the word “**twenty**”; and further amend line 9 of said page, by striking the word “forty” and inserting in lieu thereof the word “**thirty-five**”; and further amend line 12 of said page by striking the word “fifty-five” and inserting in lieu thereof the words “**at least fifty**”; and further amend lines 13-15 of said page, by striking all of said lines.

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

Senator Kinder offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 3, Line 11 of said page, by inserting after all of said line the following:

“[26.740. 1. There is hereby created within the office of the governor a “Child Abuse, Custody and Neglect Commission” which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a certified guardian ad litem, a juvenile court judge, a member of the clergy, a psychologist, a pediatrician, an educator, the chairman of the children's services commission, a division of family services designee, and one citizen of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 59, Section 210.110(2), Line 23, at the end of the last sentence of section 210.110(2), following the words "shall remain on the registry" insert the words "unless the events which caused that person's name to be placed on the registry are currently under investigation or an appeal of the division's determination is currently pending".

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

Senator Childers assumed the Chair.

Senator Loudon offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 70, Section 210.113, Line 18 of said page, by inserting immediately after said line the following:

"210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care, treatment or research of persons, and any other health practitioner, psychologist, mental health professional, social worker, day care center worker or other child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as provided by section 352.400, RSMo, [Christian Science practitioner,] peace officer or law enforcement official, or other person with responsibility for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect, that person shall immediately report or cause a report to be made to the division in accordance with the provisions of sections

210.109 to 210.183. As used in this section, the term “abuse” is not limited to abuse inflicted by a person responsible for the child's care, custody and control as specified in section 210.110, but shall also include abuse inflicted by any other person.

2. Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an official capacity as a staff member of a medical institution, school facility, or other agency, whether public or private, the person in charge or a designated agent shall be notified immediately. The person in charge or a designated agent shall then become responsible for immediately making or causing such report to be made to the division. Nothing in this section, however, is meant to preclude any person from reporting abuse or neglect.

3. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and such parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

4. In addition to those persons and officials required to report actual or suspected abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

5. Any person or official required to report pursuant to this section, including employees of the division, who has probable cause to suspect that a child who is or may be under the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and medical information, the medical examiner or coroner determines that the child died of natural causes while under medical care for an established natural disease, the coroner, medical examiner or physician shall notify the division of the child's death and that the child's attending physician shall be signing the death certificate. In all other cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify the division of the child's death as required in section 58.452, RSMo, and shall report the findings to the child fatality review panel established pursuant to section 210.192.

6. Any person or individual required to report may also report the suspicion of abuse or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place of reporting or causing a report to be made to the division.

7. If an individual required to report suspected instances of abuse or neglect pursuant to this section has reason to believe that the victim of such abuse or neglect is a resident of another state or was injured as a result of an act which occurred in another state, the person required to report such abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the child protection agency of the other state with the authority to receive such reports pursuant to the laws of such other state. If such agency accepts the report, no report is required to be made, but may be made, to the Missouri division of family services.”; and

Further amend said bill, page 130, Section 302.272, line 18 of said page, by inserting immediately after said line the following:

“352.400. 1. As used in this section, the following words and phrases shall mean:

(1) “Abuse”, any physical injury, sexual abuse, or emotional abuse, injury or harm to a child under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(2) “Child”, any person regardless of physical or mental condition, under eighteen years of age;

(3) “Minister”, any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, **Christian Science practitioner**, or other person serving in a similar capacity for any religious organization who is responsible for or who has supervisory authority over one who is responsible for the care, custody, and control of a child or has access to a child;

(4) “Neglect”, failure to provide the proper or necessary support or services by those responsible for the care, custody, and control of a child, under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo;

(5) “Religious organization”, any society, sect, persuasion, mission, church, parish, congregation, temple, convention or association of any of the foregoing, diocese or presbytery, or other organization, whether or not incorporated, that meets at more or less regular intervals for worship of a supreme being or higher power, or for mutual support or edification in piety or with respect to the idea that a minimum standard of behavior from the standpoint of overall morality is to be observed, or for the sharing of common religious bonds and convictions;

(6) “Report”, the communication of an allegation of abuse or neglect pursuant to sections 210.109 to 210.183, RSMo.

2. When a minister or agent designated pursuant to subsection 3 of this section has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, the minister

or designated agent shall immediately report or cause a report to be made as provided in sections 210.109 to 210.183, RSMo. Notwithstanding any other provision of this section or sections 210.109 to 210.183, RSMo, a minister shall not be required to report concerning a privileged communication made to him or her in his or her professional capacity.

3. A religious organization may designate an agent or agents required to report pursuant to sections 210.109 to 210.183, RSMo, in an official capacity on behalf of the religious organization. In the event a minister, official or staff member of a religious organization has probable cause to believe that the child has been subjected to abuse or neglect under circumstances required to be reported pursuant to sections 210.109 to 210.183, RSMo, and the minister, official or staff member of the religious organization does not personally make a report pursuant to sections 210.109 to 210.183, RSMo, the designated agent of the religious organization shall be notified. The designated agent shall then become responsible for making or causing the report to be made pursuant to sections 210.109 to 210.183, RSMo. This section shall not preclude any person from reporting abuse or neglect as otherwise provided by law.” and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 183, Section 3, Line 11 of said page, by inserting after all of said line the following:

“Section 4. For the purposes of proceedings and investigations conducted pursuant to chapter 211, RSMo, nonmarital children shall not be discriminated against because their

biological parents are not married. Children shall be promptly returned to the care and custody of a non-offending biological parent without regard for marital status where:

(1) The unmarried parents have continuously maintained joint domicile for a period of at least six months prior to the alleged incident, or where the parents are maintaining separate households; and

(2) Where a preponderance of the evidence indicates that only one of the parents is the subject of an investigation of abuse or neglect; and

(3) The non-offending parent does not have a history of criminal behavior, drug or alcohol abuse, child abuse, or child neglect, within the past five years; and

(4) Where the biological parents are maintaining joint domicile and offending parent is removed from the home either voluntarily or involuntarily, or when the biological parents live separately and the child must be removed from the home of the custodial parent; and

(5) A non-offending parent requests custody of the child and agrees to cooperate with any orders of the court limiting contact or establishing visitation with the abusive parent and the non-offending parent complies with such orders; and

(6) When the biological parents maintain joint domicile, it shall be presumed that the offending parent has given permission for the non-offending parent to live in the household; and

(7) The court shall order either a temporary or permanent change of custody of the child if the non-offending parent does not have legal custody of the child, and shall order modifications to any welfare benefits which may be required to assure the well being of the child.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Dougherty offered **SA 1 to SA 25**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 25**

Amend Senate Amendment No. 25 to Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 1, Section 4, Line 18, by inserting after the word “neglect,” the following “domestic violence, stalking, or orders of protection against them”.

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

SA 25, as amended, was again taken up.

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

Senator Loudon offered **SA 26**, which was read:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 73, Section 210.145, Line 15, by inserting immediately after said line the following:

“5. A child or person seventeen years of age shall only be placed in the custody of the Division if there is a danger of death, serious physical harm, sexual abuse, or serious neglect.”; and

Further renumber subsections accordingly.

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

Senator Quick offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 679 and 396, Page 157, Section 537.046, Line 27 of said page, by inserting after all of said line the following:

“565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.”; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 27 is out of order, as it goes beyond the scope and title of the bill.

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

Senator Shields moved that **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Quick

Russell	Scott	Shields	Steelman
Vogel	Yeckel—22		

NAYS—Senators

Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Stoll	Wheeler—11	

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 555** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 971, regarding Christopher Jones, Waynesville, which was adopted.

Senator Shields offered Senate Resolution No. 972, regarding Rachel Steidel, which was adopted.

Senator Stoll offered Senate Resolution No. 973, regarding Tom Fehrenbach, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 974, regarding Dennis “Double D” Fehrenbach, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 975, regarding Curt Dreyer, St. Charles, which was adopted.

Senator Clemens offered Senate Resolution No. 976, regarding Carole D. Lewis, Rogersville, which was adopted.

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

SENATE RESOLUTION NO. 977

WHEREAS, the prevailing wage law governs the wages and benefits paid to construction employees in various crafts on public works projects and is enforced by the Missouri Department of Labor and Industrial Relations through the Division of Labor Standards; and

WHEREAS, the prevailing wage is established by wage and benefit survey information voluntarily submitted by contractors working on both public and private construction contracts; and

WHEREAS, not enough wage surveys are turned into the Division of Labor Standards on the various job classifications in some counties to set a prevailed wage for a specific job title in all Missouri Counties; and

WHEREAS, because of insufficient information, some urban wages for some job classifications are determined to be "prevailing wage" in rural counties which has caused rural officials in public bodies to question the credibility of the data and questions about the objectivity of the Labor and Industrial Relations Commission have been raised; and

WHEREAS, numerous legislative attempts have been made over the past several decades to change the prevailing wage law, but have been unsuccessful; and

WHEREAS, Missouri union leaders, business interests, contractors' associations and public officials impacted by the current law desire to work together and establish a task force that will present a proposal to the General Assembly that could establish credibility and fairness to the prevailing wage process in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, wholeheartedly support the creation of a private task force on prevailing wage and eagerly await a report detailing the results of its findings.

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 **HB 697**, entitled:

An Act to repeal sections 589.400, 589.407, and 589.414, RSMo, and to enact in lieu thereof three new sections relating to sexual offender registration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 686**, entitled:

An Act to repeal sections 115.124, 160.415, 162.261, 162.431, 162.601, 162.680, 162.700, 162.962, 165.011, 165.016, 168.110, 172.273, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof seventeen new sections relating to education, with an emergency clause for certain sections.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended and House Amendment No. 3.

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

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, section 168.110, page 45, line 24 of said page, by adding after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. [The opening date shall not be earlier than the first day of September, except:

(1) If the first day of September falls on Labor

Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2) In school districts in which schools are in session for twelve months of each calendar year; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes.]

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county.”; and

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

**HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 2**

Amend House Amendment No. 2 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, by deleting the last two lines of said amendment and inserting in lieu thereof the following: “by deleting said section from the bill; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, Section 160.415, Page 4, by deleting the opening bracket “[“ from Line 19 of said page and the closing bracket “]” from Line 24 of said page.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, Page 46, Section 172.273, Lines 2-3, by removing “, and other commercial developments.”.

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 **HS** for **HCS** for **SB 173**, entitled:

An Act to repeal section 321.120, RSMo, and to enact in lieu thereof three new sections relating to fire protection district directors.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 173, Page 1, Section A, Line 9, by inserting after all of said line the following:

“190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

(1) A licensure period of five years;

(2) Medical direction;

(3) Records and forms; and

(4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such

forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies [licensed and serving in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants] will be licensed to provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.”; and

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

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 444, with **SCS**, entitled:

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

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

SCS for **HB 444**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 444

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 444** be adopted.

Senator Yeckel offered **SS** for **SCS** for **HB 444**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 444

An Act to repeal sections 42.175 and 313.835, RSMo, and to enact in lieu thereof six new sections relating to veterans, with an emergency clause.

Senator Yeckel moved that **SS** for **SCS** for **HB 444** be adopted.

Senator Dougherty offered **SS** for **SS** for **SCS** for **HB 444**, entitled:

SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 444

An Act to repeal sections 313.805, 313.822, and 313.835, RSMo, and to enact in lieu thereof seven new sections relating to the gaming funds, with an emergency clause.

Senator Dougherty moved that **SS** for **SS** for **SCS** for **HB 444** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 6, Section 313.805, Lines 19 and 20, by deleting the opening bracket on line 19 and the closing bracket on line 20; and further amend said bill, line 20, by deleting the underlined new language on lines 20 and 21.

Senator Scott moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 10, Section 313.805, Line 3 of said page, by inserting after all of said line the following:

“313.812. 1. The commission may issue licenses pursuant to subsection 1 of section 313.807 when it is satisfied that the applicant has complied with all rules and regulations, including an update of all information provided to the commission in the licensee's initial application. **The total number of excursion gambling boat licenses which may be issued and current at any given time is twelve. In the event twelve such licenses have been issued and are current and a current excursion gambling boat license expires, the commission may renew such license or may issue a new license to a suitable applicant. In the event twelve such licenses have been issued and are current and a current excursion gambling boat license is forfeited by the licensee or is revoked by the board or commission, the commission may thereafter issue a new license to a suitable applicant. The commission shall not issue any excursion gambling boat licenses in the event twelve such licenses have been issued and no such licenses have yet expired, or been forfeited or revoked.** The commission shall

decide the number, location and type of excursion gambling boat in a city or county under subsection 10 of this section. The license shall set forth the name of the licensee, the type of license granted, the place where the excursion gambling boat will operate and dock, including the docking of an excursion gambling boat which is continuously docked, and other information the commission deems appropriate. The commission shall have the ultimate responsibility of deciding the number, location, and type of excursion gambling boats licensed in a city or county; however, any city or county which has complied with the provisions of subsection 10 of this section shall submit to the commission a plan outlining the following:

(1) The recommended number of licensed excursion gambling boats operating in such city or county;

(2) The recommended licensee or licensees operating in such city or county;

(3) The community's economic development or impact and affirmative action plan concerning minorities' and women's ownership, contracting and employment for the waterfront development;

(4) The city or county proposed sharing of revenue with any other municipality;

(5) Any other information such city or county deems necessary; and

(6) Any other information the commission may determine is necessary.

The commission shall provide for due dates for receiving such plan from the city or county.

2. A license to operate an excursion gambling boat shall only be granted to an applicant upon the express conditions that:

(1) The applicant shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of an excursion gambling boat licensed under this section or of the system of wagering described in section 313.817. This section does not

prohibit a management contract with a person licensed by the commission; and

(2) The applicant shall not in any manner permit a person other than the licensee and the management licensee to have a share, percentage, or proportion of the money received for admissions to the excursion gambling boat.

3. The commission shall require, as a condition of granting a license, that an applicant operate an excursion gambling boat which, as nearly as practicable, resembles or is a part of Missouri's or the home dock city's or county's riverboat history.

4. The commission shall encourage through its rules and regulations the use of Missouri resources, goods and services in the operation of any excursion gambling boat.

5. The excursion gambling boat shall provide for nongaming areas, food service and a Missouri theme gift shop. The amount of space used for gaming shall be determined in accordance with all rules and regulations of the commission and the United States Coast Guard safety regulations.

6. A license to operate gambling games or to operate an excursion gambling boat shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated financial responsibility sufficient to meet adequately the requirements of the proposed enterprise.

7. Each applicant shall establish by clear and convincing evidence its fitness to be licensed. Without limitation, the commission may deny a license based solely on the fact that there is evidence that any of the following apply:

(1) The applicant has been suspended from operating an excursion gambling boat or a game of chance or gambling operation in another jurisdiction by a board or commission of that jurisdiction;

(2) The applicant is not the true owner of the enterprise proposed;

(3) The applicant is not the sole owner, and other persons have ownership in the enterprise, which fact has not been disclosed;

(4) The applicant is a corporation that is not publicly traded and ten percent or more of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is to be issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license;

(5) The applicant has knowingly made a false statement of a material fact to the commission; or

(6) The applicant has failed to meet a valid, bona fide monetary obligation in connection with an excursion gambling boat.

8. A license shall not be granted if the applicant has not established his good repute and moral character or if the applicant has pled guilty to, or has been convicted of, a felony. No licensee shall employ or contract with any person who has pled guilty to, or has been convicted of, a felony to perform any duties directly connected with the licensee's privileges under a license granted pursuant to this section, except that employees performing nongaming related occupations as determined by the commission shall be exempt from the requirements of this subsection.

9. A licensee shall not lend to any person money or any other thing of value for the purpose of permitting that person to wager on any gambling game authorized by law. This does not prohibit credit card or debit card transactions or cashing of checks. Any check cashed must be deposited within twenty-four hours. The commission may require licensees to verify a sufficient account balance exists before cashing any check. Any licensee who violates the provisions of this subsection shall be subject to an administrative penalty of five thousand dollars for each violation. Such administrative penalties shall be assessed and collected by the commission.

10. Gambling excursions including the operation of gambling games on an excursion gambling boat which is not continuously docked shall be allowed only on the Mississippi River and the Missouri River. No license to conduct gambling games on an excursion gambling boat in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of excursion gambling boats or floating facilities as now or hereafter provided by Missouri gaming law in the city (county)?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may license excursion gambling boats in that city or county and such boats may operate on the Mississippi River and the Missouri River. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not license such excursion gambling boats in such city or county unless and until the question is again submitted to and approved by a majority of the qualified voters of the city or county at a later election.

Excursion gambling boats may only dock in a city or unincorporated area of a county which approves licensing of such excursion gambling boats pursuant to this subsection, but gambling operations may be conducted at any point on the Mississippi River or the Missouri River during an

excursion. Those cities and counties which have approved by election pursuant to this subsection, except those cities or counties which have subsequently rejected by election, the licensing of any type of excursion gambling boats in the city or county prior to April 6, 1994, are exempt from any local election requirement of this section as such previous election shall have the same effect as if held after May 20, 1994.

11. If a docking fee is charged by a city or a county, a licensee operating an excursion gambling boat shall pay the docking fee prior to the start of the excursion season.

12. Any licensee shall not be delinquent in the payment of property taxes or other taxes or fees or in the payment of any other contractual obligation or debt due or owed to the state or a political subdivision of the state.

13. An excursion gambling boat licensed by the state shall meet all of the requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary facilities to protect the environment and water quality by the commission or its designee before a license to operate an excursion gambling boat is issued by the commission. Licensed excursion gambling boats shall also be subject to such inspections during the period of the license as may be deemed necessary by the commission. The cost of such inspections shall be paid by the licensee.

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who

violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

(3) Receiving goods or services from a person or business entity who does not hold a supplier's license but who is required to hold such license by the provisions of sections 313.800 to 313.850 or the rules and regulations of the commission;

(4) Being suspended or ruled ineligible or having a license revoked or suspended in any state of gaming jurisdiction;

(5) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gaming;

(6) Employing in any gambling games' operation or any excursion gambling boat operation, any person known to have been found guilty of cheating or using any improper device in connection with any gambling game;

(7) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to sections 313.800 to 313.850;

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

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty

in the performance of the functions or duties regulated by sections 313.800 to 313.850.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Scott raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

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

SA 1 was again taken up.

Senator Griesheimer offered **SSA 2** for **SA 1**, which was read:

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 444, Page 6, Section 313.805, Lines 19 and 20, by deleting the opening bracket “[” on line 19 and the closing bracket “]” on line 20; and further amend said bill, lines 20 and 21, by deleting the underlined language on said lines; and further amend said bill, page 10, section 313.822, lines 6-17, by striking all of the underlined language on said lines.

Senator Griesheimer moved that the above substitute amendment be adopted.

At the request of Senator Yeckel, **HB 444**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS, SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SBs 299** and **40**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

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

The Conference Committee appointed on House Substitute for Senate Committee Substitute for Senate Bills Nos. 299 & 40, with House Amendments Nos. 1 and 3 to House Substitute (Part II) for Senate Committee Substitute for Senate Bills Nos. 299 & 40, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute For Senate Committee Substitute for Senate Bills Nos. 299 & 40, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 299 & 40;

3. That the attached Conference Committee Substitute for House Substitute For Senate Committee Substitute for Senate Bills Nos. 299 & 40, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Norma Champion /s/ Carl Bearden

/s/ John Cauthorn /s/ Brad Lager

/s/ Charles R. Gross /s/ Roy W. Holand

/s/ Harry Kennedy /s/ Marsha Campbell

/s/ Stephen M. Stoll Jenee Lowe

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

At the request of Senator Champion, 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 **HS** for **HCS** for **SCS** for **SB 199**, entitled:

An Act to repeal sections 48.020, 48.030, 50.740, 56.640, 135.207, 304.010, and 473.730, RSMo, and to enact in lieu thereof nine new sections relating to counties, with penalty provisions.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendments Nos. 2, 3, 5, 6, 7, 8 and 9.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 2, Section 49.650(4), Line 27, by inserting after the word "railroad" the following: "or telecommunications or wireless".

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 4, Section 49.272, Line 20, by inserting after said line the following:

"49.650. 1. The governing authority of each county of the first classification, second classification, and fourth classification shall have the power to adopt ordinances or resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution of this state or state statute regarding the following:

(1) County roads controlled by the county;

(2) Homeland security;

(3) Emergency management;

(4) Nuisance abatement, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(5) Stormwater control, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(6) Economic development; and

(7) Parks and recreation.

If any such ordinance, order, or resolution conflicts with a municipal ordinance, the municipal ordinance provisions shall prevail within the corporate boundaries of the municipality. All ordinances adopted pursuant to this section shall remain effective until repealed or amended by the governing authority, except that the general assembly shall have the power to further define, broaden, limit, or otherwise regulate the power of each such county to adopt ordinances, resolutions, or regulations.

2. The governing body of each county of the first classification, second classification, and fourth classification may submit any ordinance, resolution, or regulation proposed pursuant to this section for the approval of the qualified voters of the county. Any ordinance, resolution, or regulation submitted to the qualified voters pursuant to this section shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no ordinance, resolution, or regulation shall become effective if a majority of the qualified voters voting on the ordinance, resolution, or regulation are opposed to its adoption.

3. Notwithstanding any other provision of this section to the contrary, no tax shall be submitted to the voters of the county unless the tax has been authorized by statute by the general assembly.

4. No county shall have the power to adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad company.”; and

Further amend said title, enacting clause, and

intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 12, Section 135.207, Line 18 of said page, by inserting after all of said line the following:

“135.261. In addition to all other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in any county of the third classification without a township form of government and with more than thirty-two thousand five hundred but less than thirty-two thousand six hundred inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 9, Section 64.907, Line 4 of said page, by inserting after all of said line the following:

“67.1775. 1. The governing body of a city not within a county, or any county of [the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or

any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants] **this state** may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing services described in section 210.861, RSMo, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families?

Yes

No

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not

otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861, RSMo."; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 12, Section 135.207, Line 18, by inserting after all of said line the following:

"190.306. No provision in this chapter shall be construed to require any municipality within any county of the third classification without a township form of government and with more than fifty-four thousand two hundred but less than fifty-four thousand three hundred inhabitants that has established an emergency telephone service to dissolve the service in the event that the county in which the municipality is located establishes an emergency telephone service and moves to a higher county classification."; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 1, In the Title, Line 3 of said page, by inserting after "RSMo," the following: "and 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,”; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by inserting after “RSMo,” the following: “and 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,”; and

Further amend said bill, Page 9, Section 64.907, Line 4 of said page, by inserting after all of said line the following:

“67.399. 1. The governing body of any municipality **or county with a charter form of government and with more than one million inhabitants** may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality **or county with a charter form of government and with more than one million inhabitants** shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for

reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality **or county with a charter form of government and with more than one million inhabitants** making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality **or county with a charter form of government and with more than one million inhabitants**. If the municipal **or county** officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the [municipal] officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the [municipal] officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal **or county** officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered

released and the delinquent registration fee forgiven.

[67.399. 1. The governing body of any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand may adopt an ordinance as provided in this section. The ordinance may establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the

property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven.]”;

and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 20, Section 473.730, Line 3, by inserting after said line the following:

“644.581. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.582. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.583. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.”; and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, Page 9, Section 64.907, Line

4, by inserting after all of said line the following:

“67.2000. 1. This section shall be known as the “Exhibition Center and Recreational Facility District Act”.

2. Whenever not less than fifty owners of real property located within any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants, or any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, or any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants, or any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or any county of the first classification without a charter form of government and with more than one hundred four thousand six hundred but less than one hundred four thousand seven hundred inhabitants, or any county of the second classification with more than fifty-two thousand six hundred but less than fifty-two thousand seven hundred inhabitants, or any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants desire to create an exhibition center and recreational facility district, the property owners shall file a petition with the governing body of each county located within the boundaries of the proposed district requesting the creation of the district. The district boundaries may include all or part of the counties described in this section. The petition shall contain the following information:

(1) The name and residence of each

petitioner and the location of the real property owned by the petitioner;

(2) A specific description of the proposed district boundaries, including a map illustrating the boundaries; and

(3) The name of the proposed district.

3. Upon the filing of a petition pursuant to this section, the governing body of any county described in this section may, by resolution, approve the creation of a district. Any resolution to establish such a district shall be adopted by the governing body of each county located within the proposed district, and shall contain the following information:

(1) A description of the boundaries of the proposed district;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The proposed sales tax rate to be voted on within the proposed district; and

(4) The proposed uses for the revenue generated by the new sales tax.

4. Whenever a hearing is held as provided by this section, the governing body of each county located within the proposed district shall:

(1) Publish notice of the hearing on two separate occasions in at least one newspaper of general circulation in each county located within the proposed district, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days nor less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Rule upon all protests, which determinations shall be final.

5. If the governing body of each county located within the proposed district following the hearing decides to establish the proposed district, it shall adopt an order to that effect. The order shall contain the following:

(1) The description of the boundaries of the district;

(2) A statement that an exhibition center and recreational facility district has been established;

(3) The name of the district;

(4) The uses for any revenue generated by a sales tax imposed pursuant to this section; and

(5) A declaration that the district is a political subdivision of the state.

6. There is hereby created a board of trustees to administer any district created and the expenditure of revenue generated pursuant to this section, consisting of no more than twelve members. After adoption of the order creating the district, the governing body of each county located within the district shall appoint four residents of the portion of the district within the county to represent the district on the board of trustees. Each trustee shall be at least twenty-five years of age. Of the initial trustees appointed, two shall hold office for two years, and two shall hold office for four years. Trustees appointed after expiration of the initial terms shall be appointed to a four-year term by the governing body of the county the trustee represents, with the initially appointed trustee to remain in office until a successor is appointed, and shall take office upon being appointed. Each trustee may be reappointed. Vacancies shall be filled in the same manner in which the trustee vacating the office was originally appointed. The trustees shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses. The board shall elect a chair and other officers necessary for its membership.

7. The board of trustees shall have the following powers, authority, and privileges:

(1) To have and use a corporate seal;

(2) To sue and be sued, and be a party to suits, actions, and proceedings;

(3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, maintenance, or operation of an exhibition center and recreational facilities or to assist in such activity;

(4) To borrow money and incur indebtedness and evidence the same by certificates, notes, or debentures, to issue bonds and use any one or more lawful funding methods the district may obtain for its purposes at such rates of interest as the district may determine. Any bonds, notes, and other obligations issued or delivered by the district may be secured by mortgage, pledge, or deed of trust of any or all of the property and income of the district. The district shall not mortgage, pledge, or give a deed of trust on any real property or interests which it obtained or acquired from the state or any agency or political subdivision thereof. Every issue of such bonds, notes, or other obligations shall be payable out of property and revenues of the district, and may be further secured by other property of the district which may be pledged, assigned, mortgaged, or a security interest granted for such payment, without preference or priority of the first bonds issued, subject to any agreement with the holders of any other bonds pledging any specified property or revenues. Such bonds, notes, or other

obligations shall be authorized by resolution of the district board, and shall bear such date or dates, and shall mature at such time or times, but not in excess of thirty years, as the resolution shall specify. Such bonds, notes, or other obligations shall be in such denomination, bear interest at such rate or rates, be in such form, either coupon or registered, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places, and be subject to redemption as such resolution may provide, notwithstanding section 108.170, RSMo. The bonds, notes, or other obligations may be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine;

(5) To acquire, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;

(6) To refund any bonds, notes, or other obligations of the district without an election. The terms and conditions of refunding obligations shall be substantially the same as those of the original issue, and the board shall provide for the payment of interest at not to exceed the legal rate, and the principal of such refunding obligations in the same manner as is provided for the payment of interest and principal of obligations refunded;

(7) To have the management, control, and supervision of all the business and affairs of the district, and the construction, installation, operation, and maintenance of district improvements therein; to collect rentals, fees, and other charges in connection with its services or for the use of any of its facilities;

(8) To hire and retain agents, employees, engineers, and attorneys;

(9) To receive and accept by bequest, gift,

or donation any kind of property;

(10) To adopt and amend bylaws and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects, and affairs of the board and of the district; and

(11) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein.

8. A district established pursuant to this section may, at a general, primary, or special election, submit to the qualified voters within the district boundaries a sales tax not to exceed one-half of one percent on all retail sales within the district which are subject to taxation pursuant to sections 144.010 to 144.525, RSMo, to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities. The ballot of submission shall be in substantially the following form:

Shall the (name of district) impose a sales tax of (insert rate) to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the proposal, then the sales tax shall become effective on the first day of the second calendar quarter immediately following the election. If a majority of the votes cast oppose the proposal, then the district shall not impose the sales tax authorized in this section until after the district has submitted another such sales tax proposal and the proposal is approved by a majority of the qualified voters voting thereon. However, if a sales tax proposal is not approved, the district

shall not resubmit a proposal to the voters pursuant to this section sooner than twelve months from the date of the last proposal submitted pursuant to this section.

9. There is hereby created the "Exhibition Center and Recreational Facility District Sales Tax Trust Fund", which shall consist of all revenue collected pursuant to this section. The director of revenue shall be custodian of the trust fund, and moneys in the trust fund shall be used solely for the purposes authorized in this section. Moneys in the trust fund shall be considered nonstate funds pursuant to section 15, article IV, Constitution of Missouri. The director of revenue shall invest moneys in the trust fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the trust fund. All sales taxes collected by the director of revenue pursuant to this section on behalf of the district, less one percent for the cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in the trust fund. The director of revenue shall keep accurate records of the amount of moneys in the trust fund which was collected in the district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of the officers of each district and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district. The director of revenue may authorize refunds from the amounts in the trust fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of the district.

10. The sales tax authorized by this section is in addition to all other sales taxes allowed by law. Except as modified in this section, all

provisions of sections 32.085 and 32.087, RSMo, apply to the sales tax imposed pursuant to this section.

11. Any sales tax imposed pursuant to this section shall reduce to a rate of one-tenth of one percent twenty-five years from the effective date of the sales tax unless an extension of the sales tax is submitted to and approved by the qualified voters in each district in the manner provided in this section. Each extension of the sales tax shall be for a period not to exceed twenty years. The ballot of submission for the extension shall be in substantially the following form:

Shall the (name of district) extend the sales tax of (insert rate) for a period of (insert number of years) years to fund the acquisition, construction, maintenance, operation, improvement, and promotion of an exhibition center and recreational facilities?

YES

NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast favor the extension, then the sales tax shall remain in effect at the rate and for the time period approved by the voters. If a majority of the votes cast oppose the extension, then the district shall reduce the sales tax rate to one-tenth of one percent. If a sales tax extension is not approved, the district may submit another sales tax proposal as authorized in this section, but the district shall not submit such a proposal to the voters sooner than twelve months from the date of the last extension submitted.

12. Once the sales tax authorized by this section is abolished or terminated by any means, all funds remaining in the trust fund shall be used solely for the purposes approved in the ballot question authorizing the sales tax. The

sales tax shall not be abolished or terminated while the district has any financing or other obligations outstanding. Any funds in the trust fund which are not needed for current expenditures may be invested by the district in the securities described in subdivisions (1) to (12) of subsection 1 of section 30.270, RSMo, or repurchase agreements secured by such securities. If the district abolishes the sales tax, the district shall notify the director of revenue of the action at least ninety days before the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the sales tax in the district, the director of revenue shall remit the balance in the account to the district and close the account of the district. The director of revenue shall notify the district of each instance of any amount refunded or any check redeemed from receipts due the district.

13. In the event that the district is dissolved or terminated by any means, the governing bodies of the counties in the district shall appoint a person to act as trustee for the district so dissolved or terminated. Before beginning the discharge of duties, the trustee shall take and subscribe an oath to faithfully discharge the duties of the office, and shall give bond with sufficient security, approved by the governing bodies of the counties, to the use of the dissolved or terminated district, for the faithful discharge of duties. The trustee shall have and exercise all powers necessary to liquidate the district, and upon satisfaction of all remaining obligations of the district, shall pay over to the county treasurer of each county in the district and take receipt for all remaining moneys in amounts based on the ratio the levy of each county bears

to the total levy for the district in the previous three years or since the establishment of the district, whichever time period is shorter. Upon payment to the county treasurers, the trustee shall deliver to the clerk of the governing body of any county in the district all books, papers, records, and deeds belonging to the dissolved district.

14. After August 28, 2003, any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants may create a district in any unincorporated area of the county, or in any incorporated area of the county upon approval of the governing body of the incorporated area by ordinance, pursuant to this section upon the filing of the required petition signed by all of the owners of property within the proposed district with the governing body of the county and upon unanimous approval of all owners of property within the district of the order creating the district and the proposed sales tax ballot question. In the event that any county creates a district pursuant to this subsection, and no registered voters reside within the boundaries of the district, the proposed sales tax ballot question and the extension of the sales tax authorized by this section shall be submitted to the qualified voters of the county.

67.2015. 1. The governing body of any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred inhabitants may impose, by ordinance or order, a surcharge on the sale of each ticket or other charge allowing admission to or participation in any private tourist attraction and on the daily rental of rooms or accommodations paid by transient guests of hotels, motels or campgrounds, as defined in section 94.802, RSMo, in such county, at a rate not to exceed five percent of such admission or amount. For purposes of this

section, "private tourist attraction" means:

- (1) Organized trail rides; and
- (2) Canoe rentals.

Attractions operating on an occasional or intermittent basis for fund-raising purposes by nonprofit charitable organizations whose ordinary activities do not involve the operation of such attractions shall be exempt from the surcharge imposed by this section.

2. Every retailer, vendor, operator, and other person who sells goods and services subject to the surcharge imposed pursuant to this section shall be liable and responsible for the payment of surcharges due and shall make a return and remit such surcharges to the county, at such times and in such manner as the governing body of the county shall prescribe. The collection of the surcharges imposed by this section shall be computed in accordance with schedules or systems approved by the governing body of the county.

3. All surcharges authorized and collected under this section shall be deposited by the county in a special trust fund to be known as the "County Tourism Surcharge Trust Fund". The moneys in such fund shall not be commingled with any funds of the county. Moneys in the fund shall be used solely by the county for the promotion of tourism within the county. The surcharge authorized by this section shall be in addition to any and all other taxes allowed by law, but no order imposing a surcharge pursuant to this section shall be effective unless the governing body of the county submits to the voters of the county at a county or state general, primary, or special election a proposal to authorize the governing body of the county to impose such surcharge.

4. The ballot of submission shall contain, but need not be limited to:

Shall the county of
(insert name of county) impose a surcharge of

(insert rate of tax) percent on the sales, charges or admissions on all hotels, motels or campgrounds rented for thirty days or less, and on the sales, charges or admissions to all private tourist attractions in the county?

YES

NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order imposing the surcharge shall be effective. If a majority of the votes cast by the qualified voters voting on the proposal are opposed to the proposal, then the governing body of the county shall have no power to impose the surcharge authorized in this section unless and until the governing body of the county again submits another proposal to authorize the governing body of the county to impose the surcharge authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon.

5. The surcharge authorized by this section shall become effective within ninety days from the date such surcharges are approved by the voters of the county pursuant to this section. After the effective date of any surcharge imposed by this section, the county shall perform all functions incident to the administration, collection, enforcement, and operation of the surcharge. The surcharge imposed by this section shall be reported upon such forms as may be prescribed by the governing body of the county.”; and

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

HOUSE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for Senate Bill No. 199, Page 4, Section 49.272, Line 20 of said section, by inserting immediately after said line the following:

“50.550. **1.** The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for

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

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

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

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

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

6. Subject to the provisions of section 50.565 the county commission may create a fund to be known as "The County Crime Reduction Fund".

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

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

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

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

(1) Narcotics investigation, prevention, and intervention;

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

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

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

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

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives

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

5. County crime reduction funds shall be audited as are all other county funds.”; and

Further amend said bill, Page 20, Section 473.730, Line 3 of said page, by inserting immediately after said line the following:

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

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

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

the sentence imposed, whichever occurs first;

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

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

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

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

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

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

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

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

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

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

sentencing among economic and social classes.

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

(a) The nature and severity of each offense;

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

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

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

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

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

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

(7) The circuit and associate circuit courts of this state, the office of the state courts

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

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

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

(2) Offender treatment programs;

(3) Mandatory community services;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

8. If the imposition or execution of a sentence is suspended, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed one thousand dollars for any charged offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo. County crime reduction funds shall be audited as are all other county funds.

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

559.021. 1. The conditions of probation shall be such as the court in its discretion deems

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

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

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

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

3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed one thousand dollars for any charged offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo. County crime reduction funds shall be audited as are all other county funds.

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

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

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

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

Further amend said bill, by amending the title and enacting clause 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 **SS** for **SCS** for **SB 555** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 555**. Representatives: Black, Myers, Byrd, George and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **HCS** for **SCS** for **SB 379** are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HCS** for **SB 552**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HS** for **HCS** for **HBs 679** and **396** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **HCS** for **SB 552**. Representatives: Byrd, Smith (118), Ruestman, Haywood and Donnelly.

CONFERENCE COMMITTEE APPOINTMENTS

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

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 555**: Senators Kinder, Steelman, Klindt, Goode and Dougherty.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and grant the House a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 978, regarding Briana Connor, Lee's Summit, which was adopted.

Senator Mathewson offered Senate Resolution No. 979, regarding the One Hundred Twenty-fifth Anniversary of the City of Slater, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

May 9, 2003

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

RE: Appointment to the Missouri Health Facilities Review Committee

Dear Terry:

Pursuant to Section 197.310, RSMo 2002, I am appointing Senator Gary Nodler to the Missouri Health Facilities Review Committee.

Please do not hesitate to contact me if you have further questions.

Sincerely,
/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Johnett P. LaBrie, M.D., Kansas City.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Tuesday, May 13, 2003.

SENATE CALENDAR

SEVENTY-SECOND DAY—TUESDAY, MAY 13, 2003

Unofficial

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 697-Mayer, et al

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and Dougherty,
with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 138 (Klindt)
HS for HB 481-Crowell (Bartle)
HB 655-Wilson (130) (Foster)

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

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending)
SB 24-Steelman, with SCS
& SS for SCS (pending)
SB 27-Gibbons, with SCS
SB 33-Loudon and Scott, with SS
(pending)
SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS & SA 6 (pending)
SB 209-Steelman, et al, with SCS
SB 217-Champion and Clemens,
with SS (pending)
SB 241-Yeckel, with SCS
SB 253-Steelman, et al, with SCS,
SS for SCS & SA 1 (pending)
SB 300-Cauthorn, et al, with SCS
SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS
SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS
SB 347-Loudon, et al, with SCS
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 & SCA 1 (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)
HB 286-Bearden, with SCS
(Shields)

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 412-Goodman, et al
(Childers)

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 470-Mayer, with SCS
(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)

Unofficial

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS

SB 490-Dolan

SB 694-Klindt

House Bills

Reported 4/14

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

SENATE BILLS WITH HOUSE AMENDMENTS

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

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

SCS for SB 358-Shields, with HCS

SB 370-Foster, with HCS

SB 470-Bartle, with HCS

SB 521-Gross, with HCS

SCS for SB 592-Foster, with HCS

SCS for SB 686-Russell, with HS
for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

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

SCS for SB 69-Yeckel and
Nodler, with HCS

SB 186-Cauthorn, with HCS
(Senate adopted CCR
and passed CCS)

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

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

SCS for SBs 299 & 40-Champion,
et al, with HS, as amended

SCS for SB 379-Champion,
with HCS

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 552-Yeckel, with HCS

(Further conference granted)

SS for SCS for SB 555-Kinder,
with HS for HCS

HCS for HB 427, with SCS (Bartle)

HCS for HB 600, with SS for
SS for SCS, as amended (Shields)

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)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Copy
Reported from Committee

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

SCR 4-Jacob

SCR 18-Mathewson and Steelman

HCR 11-Moore and Walton (Bland)

SR 900-Mathewson

HCR 3-Townley (Klindt)

HCR 5-Townley (Klindt)

HCR 32-Miller (Gibbons)