

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY—THURSDAY, MAY 15, 2003

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“As we have therefore opportunity, let us do good unto all men.” (Galatians 6:10)

Almighty God, as we go through this day may we be open to speak the words or provide the means that encourage our neighbor so they may not falter but be able to stand firm and faithful. Moreover, may we express gratitude to those who so faithfully serve us and we take, too often, for granted. And we pray for Senator Klindt and his family at the death of his mother and for Representative Miller and his family at the death of his father. We pray, Lord, that You may walk with them, comfort them with the memory of Your goodness, and sustain them in their grief. In Your Holy Name, we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, House Communications, the Associated Press and the Missourian 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
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

Absent with leave—Senators

DePasco Klindt—2

The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 298**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 298**.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HS** for **HCS** for **SS** for **SCS** for

SB 555, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HS** for **HCS** for **SS** for **SCS** for **SB 555**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS

Senator Steelman moved that **SCR 11**, with **HA 1** and **HA 2**, be taken up for third reading and final passage, which motion prevailed.

HA 1 was taken up.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Coleman Yeckel—3

Absent with leave—Senators

DePasco Klindt—2

President Maxwell assumed the Chair.

HA 2 was taken up.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Coleman Russell—3

Absent with leave—Senators

DePasco Klindt—2

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Coleman Goode Jacob—4

Absent with leave—Senators

DePasco Klindt—2

The President declared the concurrent resolution passed.

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

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

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

PRIVILEGED MOTIONS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 199**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 199**

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, 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, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 199;
3. That the attached Conference Committee

Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 199, be Third Read and Finally Passed.

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

/s/ Doyle Childers	/s/ Robert Johnson
/s/ John E. Griesheimer	/s/ Robert Mayer
/s/ Gary Nodler	/s/ Jay Wasson
/s/ Harold L. Caskey	/s/ Thomas E. George
/s/ Ed Quick	/s/ Tom Villa

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

YEAS—Senators

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

NAYS—Senator Caskey—1

Absent—Senators

Bland Coleman—2

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Childers, **CCS** for **HS** for **HCS** for **SCS** for **SB 199**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 199**

An Act to repeal sections 48.020, 48.030, 50.550, 50.740, 56.640, 67.1775, 135.207, 304.010, 473.730, 558.019, and 559.021, RSMo, 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 to enact in lieu thereof twenty-two new sections relating to counties, with penalty provisions.

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

YEAS—Senators

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

Yeckel—29

NAYS—Senator Caskey—1

Absent—Senators

Bland Coleman—2

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 686**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 686

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, 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 Amendments No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 686;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 686, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John T. Russell
 /s/ Stephen Stoll
 /s/ Bill Foster
 /s/ Doyle Childers
 /s/ Harold Caskey

FOR THE HOUSE:

/s/ Jane Cunningham
 /s/ Michael G. Corcoran
 /s/ Maynard Wallace
 /s/ D. J. Davis
 /s/ Rod Jetton

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

YEAS—Senators

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

Absent—Senators
 Bland Coleman—2
 Absent with leave—Senators
 DePasco Klindt—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

NAYS—Senators—None

Absent—Senators
 Bland Coleman—2

Absent with leave—Senators
 DePasco Klindt—2

On motion of Senator Russell, **CCS** for **HS** for **HCS** for **SCS** for **SB 686**, entitled:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators
 Bland Mathewson—2

Absent with leave—Senators
 DePasco Klindt—2

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

CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 686

An Act to repeal sections 115.121, 115.124, 162.261, 162.431, 162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof thirteen new sections relating to education, with an emergency clause for certain sections.

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

NAYS—Senators—None

Senator Russell 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 327, with **SCS**, introduced by Representative Lipke, et al, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the construction and maintenance of highways, with an emergency clause.

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

SCS for **HB 327**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

An Act to repeal sections 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 300.330, 300.410, 302.272, 302.302, 302.700, 304.010, 304.015, 307.100, 307.177, 307.400, 488.5336, 577.023, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-six new sections relating to transportation, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Dolan moved that **SCS** for **HB 327** be adopted.

Senator Dolan offered **SS** for **SCS** for **HB 327**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 327

An Act to repeal sections 137.298, 144.062, 191.831, 210.104, 210.107, 226.525, 226.535, 227.120, 238.207, 238.210, 238.215, 238.220, 238.222, 238.235, 238.236, 292.602, 300.330, 300.410, 301.010, 301.069, 302.225, 302.272, 302.302, 302.304, 302.309, 302.341, 302.540, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 302.775, 304.010, 304.015, 304.035, 304.580, 307.100, 307.125, 307.127, 307.177, 307.178, 307.400, 389.610, 390.020, 488.5336, 565.070, 577.023, 577.041, 577.049, 577.054, and 577.520, RSMo, and section 304.157 as enacted by senate bill no. 17, ninetieth general assembly, first regular session, and to enact in lieu thereof sixty-four new sections relating to transportation, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

Senator Dolan moved that **SS** for **SCS** for **HB**

327 be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 14, Section 227.120, Line 15 of said page, by inserting after all of said line the following:

"227.338. The portion of U.S. Highway 71, located within a county of the third classification without a township form of government and with more than twenty-one thousand six hundred but less than twenty-one thousand seven hundred inhabitants shall be designated the "Corporal Bobbie J. Harper Memorial Highway"."; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 121, Section 304.677, Lines 5-8 of said page, by striking all of said lines and inserting in lieu thereof the following: **"operating a motorcycle upon the roadway."**

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

Senator Kennedy offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 117, Section 304.035, Line 13 of said page, by inserting immediately after said line the following:

“304.282. 1. Wherever used in this section the following terms mean:

(1) “Automated traffic control enforcement system”, a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of a red signal indication;

(2) “Owner”, the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Two cities or counties designated by the director of the department of public safety with reference to any intersection involving highways, roads or streets under its jurisdiction, except a state highway as defined in section 304.001, may adopt an ordinance authorizing the use of an automated traffic control signal enforcement system to detect motor vehicles entering an intersection in violation of a red signal indication authorized pursuant to section 304.281. The ordinance adopted by the city or counties shall limit the use of an automated traffic control signal enforcement system to no more than four intersections within the city's jurisdictional limits.

3. Any city or county adopting an ordinance to establish an automated traffic control enforcement system may also enter into an agreement with the state highways and transportation commission regarding the installation and use of an automated traffic control enforcement system on a state highway within the boundaries of such city or county.

4. Photos obtained from an automated traffic control signal enforcement system along with proof of identity of the owner in whose name such motor vehicle is registered shall raise

a rebuttable presumption that such owner was the person who committed the violation. Any owner issued a summons is responsible and liable for payment of a fine and court costs, unless the owner can furnish evidence that the motor vehicle was in the care, custody or control of another person at the time of the violation. In such instance the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation, subject to the penalties for perjury. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle at the time of violation. In such case, the court shall have the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator of the motor vehicle at the time of the violation. If the motor vehicle is alleged to have been stolen, the owner of the motor vehicle shall submit proof that a police report was filed indicating that the motor vehicle was stolen at the time of the alleged violation.

5. A summons issued pursuant to this section shall be sent by certified mail to the most recent address of the owner of the motor vehicle within twenty-one days of the violation. The cost of issuing the certified letter may be charged in addition to the fine imposed pursuant to subsection 10 of this section. The summons shall include the date, time, and location of the violation, a photo of the motor vehicle's license plate, and a photo of the actual violation as detected by the automated traffic control signal enforcement system. The summons must also include instructions on how to dispose of the

violation through court appearance or payment of the fine and costs.

6. Any city or county that establishes a traffic control signal enforcement system pursuant to the provisions of this section shall make a public announcement of any automated traffic control signal enforcement system at least thirty days prior to its official use.

7. Signs indicating the system's presence shall be visible to traffic approaching from all directions at any location which is equipped with an automated traffic control signal enforcement system.

8. Any city or county that establishes an automated traffic control enforcement system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control enforcement systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city or county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding the owner in order to prepare and mail summonses on behalf of the city or county.

9. Photographic records made by a traffic control signal enforcement system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

10. No points shall be assessed, as described in section 302.302, RSMo, and no fine, including court costs, shall exceed fifty dollars for a violation obtained through the use of an automated traffic control enforcement system.

11. One year following the adoption of an ordinance by any city or county described in subsection 2 of this section, the department of

public safety shall issue a report as to the effectiveness of the use of automated traffic control signal enforcement systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly.

12. The provisions of this section shall expire on August 28, 2008.”; and

Further amend the title and enacting clause accordingly.

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

Senator Scott offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 146, Section 568.055, Line 9, by deleting said section.; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Scott offered SSA 1 for SA 4, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, by adding the following at the end of the bill: “It shall be a crime for anything bad to happen in this state.

Senator Scott moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that SSA 1 for SA 4 is out of order, as it is frivolous.

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

At the request of Senator Scott, **SSA 1** for **SA 4** was withdrawn, rendering the point of order moot.

SA 4 was again taken up.

Senator Scott moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bray, Days, Dolan and Kennedy.

SA 4 was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Foster	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—17			

NAYS—Senators

Bray	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Stoll
Wheeler—13			

Absent—Senators

Bland	Quick—2
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Absent with leave—Senators

DePasco	Klindt—2
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Senator Loudon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 125, Section 302.127, Line 10, by inserting immediately after said line the following:

“307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety

regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 45, Section 301.010, Line 7 of said page, by striking the word “six”; and further amend line 8 of said page, by striking “hundred” and inserting in lieu thereof the following: **“one thousand”**; and further amend line 10 of said page, by inserting after “operator,” the following: **“or with a seat designed to carry more than one person,”**; and

Further amend said bill, Page 110, Section 304.010, Line 22 of said page, by inserting after all of said line the following:

“304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

- (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and

sunset;

(4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.**

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 118, Section 304.580, Line 28, by deleting the brackets on said line; and further amend said line by deleting the word “two” and insert in lieu thereof the word “**four**”.

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

Senator Griesheimer offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 134, Section 307.400, Line 3, by inserting after all of said line the following:

“388.465. Every railroad corporation owning or operating a railroad which traverses through a city of the fourth classification with more than seven thousand five hundred but fewer than seven thousand six hundred eighty inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall establish a suitable stopping place, depot, or union station within such city to accommodate the boarding and unboarding of passengers.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 134, Section 307.400, Line 3 of said page, by inserting after all of said line the following:

“379.896. As used in sections 379.896 to 379.899, the following terms shall mean:

(1) “Insurer”, any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri;

(2) “Repair facility”, a person that engages in the business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle.

379.897. An insurer may not hold or acquire any ownership interest in a repair facility.

379.898. 1. An individual aggrieved by a violation of sections 379.896 to 379.899 by an insurer may bring an action for injunctive or other appropriate relief to compel the insurer to comply with the requirements adopted pursuant to sections 379.896 to 379.899.

2. A plaintiff who prevails in an action under this section is entitled to recover reasonable attorney's fees and court costs.

379.899. 1. An insurer that, on August 28, 2003, has an ownership interest in a repair facility must divest itself of any interest in the facility not later than August 28, 2005.

2. During the period in which the insurer maintains its interest in the repair facility before the divestiture required under this section, the insurer shall disclose to each insured that the insured has the right to use any repair facility selected by the insured. The insurer shall make the disclosure in writing in the manner prescribed by the director of the department of insurance and shall provide the disclosure:

(1) At the time the policy is delivered, issued for delivery, or renewed; and

(2) When a claim covered by the policy is reported to the insurer by the insured.

3. The provisions of this section shall expire December 1, 2005.”; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 7, Section 191.831, Line 8 of said page, by striking the word “sections” and inserting in lieu thereof the following: “**section**”; and

Further amend said bill and section, page 8, line 12 of said page, by inserting immediately after “RSMo” the following: “, **and section 577.001, RSMo**”; and

Further amend said bill, page 75, Section 302.304, lines 22-23, by striking the following: “, but not to exceed two hundred dollars,”; and further amend line 24 of said page, by inserting immediately after “302.010” the following: “**and section 577.001, RSMo**”; and

Further amend said bill, page 86, Section 302.540, line 18 of said page, by striking the following: “in an amount”; and further amend line 19 of said page, by striking the following: “, but not to exceed two hundred dollars,”; and further amend line 21 of said page, by inserting immediately after “302.010” the following: “**and section 577.001, RSMo**”; and

Further amend said bill, page 155, Section 577.041, lines 7-8 of said page, by striking the following: “in an amount”; and further amend lines 8-9 of said page, by striking the following: “, but not to exceed two hundred dollars,”; and further amend lines 11-12 of said page, by striking all of the underlined language from said lines and inserting in lieu thereof the following: “**302.010, RSMo, and section 577.001, RSMo**”; and

Further amend said bill, page 156, Section 577.049, line 22 of said page, by striking the following: “, but not to exceed two hundred dollars,”; and further amend line 24 of said page, by inserting immediately after the word “in” the following: “**section 302.010, RSMo, and**”; and

Further amend said bill, page 159, Section 577.520, lines 8-9 of said page, by striking the following: “in an amount”; and further amend lines 9-10 of said page, by striking the following: “, but not to exceed two hundred dollars,”; and further amend line 12 of said page, by inserting immediately after “RSMo,” the following: “**and section 577.001,**”.

Senator Griesheimer moved that the above

amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 1, In the Title, Line 15, by inserting after “provisions” the following: “, an effective date for certain sections”; and

Further amend said bill, Page 143, Section 390.020, Line 11, by inserting after all of said line the following:

“407.1200. As used in sections 407.1200 to 407.1227, the following terms shall mean:

(1) “Administrator”, the person who is responsible for the administration of the service contracts or the service contracts plan and who is responsible for any filings required by sections 407.1200 to 407.1227;

(2) “Consumer”, a natural person who buys other than for purposes of resale any motor vehicle that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;

(3) “Director”, the director of the department of insurance;

(4) “Maintenance agreement”, a contract of limited duration that provides for scheduled maintenance only;

(5) “Manufacturer”, a person that:

(a) Manufacturers or produces the property and sells the property under its own name or label;

(b) Is a wholly owned subsidiary of the person who manufacturers or produces the property;

(c) Is a corporation which owns one hundred percent of the person who manufacturers or produces the property;

(d) Does not manufacture or produce the property, but the property is sold under its trade name label;

(e) Manufactures or produces the property and the property is sold under the trade name or label of another person; or

(f) Does not manufacture or produce the property but, pursuant to a written contract, licenses the use of its trade name or label to another person that sells the property under the licensor's trade name or label;

(6) "Mechanical breakdown insurance", a policy, contract or agreement issued by an authorized insurer that provides for the repair, replacement or maintenance of a motor vehicle or indemnification for repair, replacement or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship;

(7) "Motor vehicle extended service contract" or "service contract", a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement or maintenance, for the operational or structural failure due to a defect in materials, workmanship or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;

(8) "Non-original manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";

(9) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate or any similar entity or combination

of entities acting in concert;

(10) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;

(11) "Provider", a person who administers, issues, makes, provides, sells, or offers to sell a motor vehicle extended service contract, or who is contractually obligated to provide service under a motor vehicle extended service contract such as sellers, administrators, and other intermediaries;

(12) "Provider fee", the consideration paid for a service contract in excess of the premium;

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of non-performance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a services contract;

(15) "Warranty", a warranty made solely by the manufacturer, importer or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor or other remedial measures, such as repair or replacement of the property or repetition of services.

407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state

unless the administrator or its designee has:

(1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with the provisions of sections 407.1200 to 407.1227.

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

a. A surety bond issued by an authorized surety;

b. Securities of the type eligible for deposit by authorized insurers in this state;

c. Cash;

d. A letter of credit issued by a qualified financial institution; or

e. Another form of security prescribed by regulations issued by the director; or

(3) (a) Maintain a net worth of one hundred million dollars; and

(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapters 374 or 375, or any other provisions

governing insurance companies.

407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

407.1209. 1. Service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language and the entire contract shall be printed or typed in easy to read ten point type or larger and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the insurer.

3. Service contracts not insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and

credit of the provider (insurer) and are not guaranteed under a service contract requirement insurance policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the provider.

4. Service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

5. Service contracts shall conspicuously state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.

6. If prior approval of repair work is required, the service contracts shall conspicuously state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

7. Service contracts shall conspicuously state the existence of any deductible amount.

8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.

9. Service contracts shall state the conditions upon which the use of non-original manufacturer's parts, or substitute service, may be allowed. Conditions stated shall comply with applicable state and federal laws.

10. Service contracts shall state any terms, restrictions, or conditions governing the transferability of the service contract.

11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.

12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least fifteen business days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2003. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the

following statement: "This agreement is not an insurance contract."

2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.

3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

2. An administrator's, provider's, or other intermediary's accounts, books, and records shall include:

(1) Copies of each type of service contract issued;

(2) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(3) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(4) Claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

3. Except as provided in this section, an administrator shall retain all records pertaining to each service contract holder for at least three years after the specified period of coverage has

expired.

4. An administrator, provider, or other intermediary may keep all records required pursuant to sections 407.1200 to 407.1227 on a computer disk or other similar technology. If an administrator maintains records in other than hard copy, records shall be accessible from a computer terminal available to the director and be capable of duplication to legible hard copy.

5. An administrator, provider, or other intermediary discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to contract holders in this state.

6. An administrator, provider, or other intermediary shall make all accounts, books, and records concerning transactions regulations pursuant to sections 407.1200 to 407.1227 or other pertinent laws available to the director upon request.

407.1218. As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination, in a form and time frame prescribed by the director, has been mailed or delivered to the director. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts issued by providers prior to the date of the termination.

407.1221. 1. Providers are considered to be the agent of the insurer which issued the reimbursement insurance policy. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

2. The provisions of sections 407.1200 to 407.1227 shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or

subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

407.1224. 1. The director may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of sections 407.1200 to 407.1227 and protect service contract holders in this state.

2. The director may take action which is necessary or appropriate to enforce the provisions of sections 407.1200 to 407.1227 and the director's regulations and orders, and to protect service contract holders in this state.

3. The director may order a service contract provider to cease and desist from committing violations of sections 407.1200 to 407.1227 or the director's regulations or orders, may issue an order prohibiting a service contract provider from selling or offering for sale service contracts, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated the provisions of sections 407.1200 to 407.1227 or the director's regulations or orders.

4. A person aggrieved by an order pursuant to this section may request a hearing before the director. The hearing request shall be filed with the director within twenty days of the date the director's order is effective.

5. Pending the hearing and the decision by the director, the director shall suspend the effective date of the order. At the hearing, the burden shall be on the director to show why the order issued pursuant to this section is justified. Such hearing shall be held in accordance with the provisions of chapter 536, RSMo.

6. The director may bring an action in the circuit court of Cole county for an injunction or other appropriate relief to enjoin threatened or

existing violations of sections 407.1200 to 407.1227 or of the director's orders or regulations. An action filed pursuant to this section may also seek restitution on behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or orders or regulations of the director.

7. A person in violation of sections 407.1200 to 407.1227 or orders or regulation of the director may be assessed a civil penalty not to exceed one thousand dollars per violation.

8. The authority of the director pursuant to this section is in addition to other authority of the director.

407.1225. The director may promulgate rules to effectuate sections 407.1200 to 407.1224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not apply to:

- (1) Warranties;
- (2) Maintenance agreements;
- (3) Commercial transactions; and
- (4) Service contracts sold or offered for sale to persons other than consumers.

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 407.1209, 407.1212,

and 407.1224.”; and

Further amend said bill, Page 165, Section D, Line 3, by inserting after all of said line the following:

“Section F. The enactment of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227 shall become effective January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 2, Section 302.060, Line 10, by deleting the open bracket “[” and the close bracket “]” on said line; and

Further amending said bill, page 3, same section, line 5, by deleting the open bracket “[” and the close bracket “]” on said line; and

Further amending said bill, page 5, section 302.321, lines 11-12, by deleting the open “[” and the close bracket “]” on said line; and

Further amending said bill, page 5, same section, line 21, by deleting the open bracket “[” and the close bracket “]” on said line; and

Further amending said bill, page 6, section 302.541, lines 16-17, by deleting the open bracket “[” and the close bracket “]” on said lines; and

Further amending said bill, page 8, section 577.500, line 6, by deleting the open bracket “[” and the close bracket “]” on said line; and

Further amending said bill, same page, same section, lines 10-11, by deleting the open bracket “[” and the close bracket “]” on said lines; and

Further amending said bill, same page, same

section, lines 18-19, by deleting the open bracket “[” and the close bracket “]” on said lines; and

Further amending said bill, same page, same section, lines 22-23, by deleting the open bracket “[” and the close bracket “]” on said lines; and

Further amending said bill, same page, same section, lines 25-26, by deleting the open bracket “[” and the close bracket “]” on said lines.

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

Senator Griesheimer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 61, Section 301.069, Line 24 of said page, by inserting after all of said line the following:

“301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

(1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a “new motor vehicle” as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term “used”, or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms “list price”, “sticker price”, or “suggested retail price” shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the “manufacturer's suggested retail price” of the advertised vehicle;

(6) Terms such as “at cost”, “\$...... above cost” shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale[. Terms such as “invoice price”, “\$...... over invoice” may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, “manufacturer's factory invoice” means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges];

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer- selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) [Advertisements which offer to match or better any competitors' prices shall not be used;

(9)] Advertisements of “dealer rebates” shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

[(10)] **(9)** “Free”, “at no cost” shall not be used if any purchase is required to qualify for the “free” item, merchandise, or service;

[(11)] **(10)** “Bait advertising”, in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as “as low as \$.....”, but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

[(12)] **(11)** Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, “first-time buyer” discounts, “college

graduate” discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

[(13)] **(12)** Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

[(14)] **(13)** Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

[(15)] **(14)** No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560.”; and

Further amend the title and enacting clause accordingly.

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

Major General Robert L. Van Antwerp, Commanding General, U.S. Army Maneuver Support Center and Fort Leonard Wood and Commandant, U.S. Army Engineer School was recognized to address the members of the Senate.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Jacob moved that the vote by which SA 12 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	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Mathewson Quick—2

Absent with leave—Senators

DePasco Klindt—2

SA 12 was again taken up.

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

Senator Jacob offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 72, Section 302.304, Line 15 of said page, by inserting after the word and period “date.” the following: **“The revocation period of any person whose license and driving privilege have been revoked a second time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after three years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a third time pursuant to this**

subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after five years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fourth time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after seven years from the effective date of the revocation. The revocation period of any person whose license and driving privilege have been revoked a fifth or subsequent time pursuant to this subsection and who has filed proof of financial responsibility with the department of revenue in accordance with section 303.173, RSMo, shall be terminated by a notice from the director of revenue after ten years from the effective date of the revocation.”; and

Further amend said bill, Page 74, Section 302.304, Lines 3-8 of said page, by striking all of said lines; and further amend by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 106, Section 302.775, Line 22 of said page, by inserting after all of said line the following:

“303.173. 1. The license and driving privilege of any person whose license and driving privilege have been revoked for the first time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits

for liability coverage:

(1) Not less than fifty thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

2. The license and driving privilege of any person whose license and driving privilege have been revoked a second time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than seventy-five thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than one hundred fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident.

3. The license and driving privilege of any person whose license and driving privilege have been revoked a third time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial

responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than seventy-five thousand dollars because of injury to or destruction of property of others in any one accident.

4. The license and driving privilege of any person whose license and driving privilege have been revoked a fourth or subsequent time pursuant to subsection 7 of section 302.304, RSMo, shall not be reinstated unless the person is qualified for reinstatement, has met all requirements for reinstatement, and has filed proof of financial responsibility with the department of revenue demonstrating that such person has obtained an automobile liability insurance policy with respect to each motor vehicle owned, in whole or in part, by such person, subject to the following minimum limits of liability coverage:

(1) Not less than two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident;

(2) Subject to said limit for one person, not less than five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident; and

(3) Not less than one hundred thousand dollars because of injury to or destruction of property of others in any one accident.

5. If any person required by this section to

file proof of financial responsibility demonstrating that such person has obtained an automobile liability insurance policy subject to certain minimum amounts of coverage, thereafter fails to maintain proof of the required coverage during any period of time such person owns, in whole or in part, any motor vehicle, the person's license and driving privilege shall be rerevoked.”; and

Further amend the title and enacting clause accordingly.

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

SA 14 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Foster	Jacob	Kennedy—7	

NAYS—Senators

Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Gibbons	Griesheimer	Gross	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—24

Absent—Senators

Goode—1

Absent with leave—Senators

DePasco Klindt—2

Senator Scott offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 2, Section 137.298, Line 13, by inserting after the word “county” the following: “of the first classification with a charter form of government;”; and

Further amend said bill, page 2, Section 137.298, line 20, by removing the brackets, delete the words “of such, **county**, city or **township**” and add the words “or the treasurer ex officio collector;”; and

Further amend said bill, page 2, Section 137.298, line 28, by removing the brackets and insert the words “or the treasurer ex officio collector of the” after the word “revenue”; and

Further amend said bill, page 3, section 137.298, line 1, by inserting at the end of said line the following: “The collector of revenue or treasurer ex officio collector of the city or county shall remit to the appropriate political subdivision all fees and fines, including traffic and parking violations collected less two percent for administrative costs.”.

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

Senator Steelman offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 117, Section 304.035, Line 13, by inserting immediately after said line the following:

“304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield

the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

[(1)] (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard

during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

9. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury, there shall be assessed a surcharge of up to two hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of thirty days.

10. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury, there shall be assessed a surcharge of up to five hundred dollars. The court may issue an order of

suspension of such persons driving privilege for a period of ninety days.

11. In addition to the penalty specified in subsection 8 of this section any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality, there shall be assessed a surcharge of up to one thousand dollars. The court may issue an order of suspension of such persons driving privilege for a period of six months.

12. The surcharges imposed pursuant to subsections 9, 10, and 11 of this subsection shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharges collected pursuant to subsections 9, 10, and 11 of this section shall be credited to the motorcycle safety trust fund established under section 302.137, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 17, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 327, Page 136, Section 389.610, Lines 6-11, by deleting all of the new language on said lines.

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

Senator Dolan moved that **SS** for **SCS** for **HB 327**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HB 327**, as amended, 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	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Coleman—2

Absent with leave—Senators

DePasco Klindt—2

Senator Shields assumed the Chair.

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Bartle—1

Absent—Senators

Bland Dougherty Kennedy—3

Absent with leave—Senators

DePasco Klindt—2

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

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

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

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SB 695**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 257**, with **SCS**, entitled:

An Act to repeal sections 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to tax credits.

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

SCS for **HS** for **HCS** for **HB 257**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 257

An Act to repeal sections 143.121, 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof nineteen new sections relating to agricultural tax credits.

Was taken up.

Senator Cauthorn moved that **SCS** for **HS** for **HCS** for **HB 257** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HS** for **HCS** for **HB 257**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 257

An Act to repeal sections 143.121, 148.330, 348.015, 348.430, 348.432, 644.016, and 644.051, RSMo, and to enact in lieu thereof twenty-four new sections relating to agriculture, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for

HS for **HCS** for **HB 257** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 257, Page 25, Section 348.432, Line 9, by inserting after all of said line the following:

“430.030. 1. Every person who furnishes labor or material on any horse, mule or other animal, who shall obtain a written memorandum of the work or material furnished, or to be furnished, signed by the owner of such horse, mule or other animal, shall have a lien for the amount of such work or material as is ordered or stated in such written memorandum. **The provisions of this section shall include liens against livestock for veterinary care for any payments overdue by one calendar year.**

2. Such lien shall be on such horse, mule or other animal as shall be placed in the possession of the person furnishing the labor or material; provided, however, that for labor and material furnished on more than one horse, mule or other animal belonging to the same owner, the person furnishing such labor and material may, at his option, have a lien on any one or more of such horses, mules or other animals for the amount of labor and material furnished on all of such horses, mules and other animals belonging to such owner.”; and

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

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

Senator Gibbons offered **SA 2**:

SENATE AMENDMENT NO. 2

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

257, Page 14, Section 261.800, Line 14 of said page, by inserting immediately after said line the following:

“340.216. 1. It is unlawful for any person not licensed as a veterinarian under the provisions of sections 340.200 to 340.330 to practice veterinary medicine or to do any act which requires knowledge of veterinary medicine for valuable consideration, or for any person not so licensed to hold himself or herself out to the public as a practitioner of veterinary medicine by advertisement, the use of any title or abbreviation with the person's name, or otherwise; except that nothing in sections 340.200 to 340.330 shall be construed as prohibiting:

(1) Any person from gratuitously providing emergency treatment, aid or assistance to animals where a licensed veterinarian is not available within a reasonable length of time if the person does not represent himself or herself to be a veterinarian or use any title or degree appertaining to the practice thereof;

(2) Acts of a person who is a student in good standing in a school or college of veterinary medicine or while working as a student preceptee, in performing duties or functions assigned by the student's instructors, or while working under the appropriate level of supervision of a licensed veterinarian as is consistent with the particular delegated animal health care task as established by board rule, and acts performed by a student in a school or college of veterinary medicine recognized by the board and performed as part of the education and training curriculum of the school under the supervision of the faculty. The unsupervised or unauthorized practice of veterinary medicine, even though on the premises of a school or college of veterinary medicine, is prohibited;

(3) Personnel employed by the United States Department of Agriculture or the Missouri department of agriculture from engaging in animal disease, parasite control or eradication programs, or other functions specifically required and

authorized to be performed by unlicensed federal or state officials under any lawful act or statute, except that this exemption shall not apply to such persons not actively engaged in performing or fulfilling their official duties and responsibilities;

(4) Any merchant or manufacturer from selling drugs, medicine, appliances or other products used in the prevention or treatment of animal diseases if such drug, medicine, appliance or other product is not marked by the appropriate federal label. Such merchants or manufacturers shall not, either directly or indirectly, attempt to diagnose a symptom or disease in order to advise treatment, use of drugs, medicine, appliances or other products;

(5) The owner of any animal or animals and the owner's full-time employees from caring for and treating any animals belonging to such owner, with or without the advice and consultation of a licensed veterinarian, provided that the ownership of the animal or animals is not transferred, or employment changed, to avoid the provisions of sections 340.200 to 340.330; however, only a licensed veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance, except as otherwise provided for by board rule;

(6) Any graduate of any accredited school of veterinary medicine while engaged in a veterinary candidacy program or foreign graduate from a nonaccredited school or college of veterinary medicine while engaged in a veterinary candidacy program or clinical evaluation program, and while under the appropriate level of supervision of a licensed veterinarian performing acts which are consistent with the particular delegated animal health care task;

(7) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under

the direct supervision thereof from conducting experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;

(8) Any veterinary technician, duly registered by, and in good standing with, the board from administering medication, appliances or other products for the treatment of animals while under the appropriate level of supervision as is consistent with the delegated animal health care task; and

(9) A consulting veterinarian while working in a consulting capacity in Missouri while under the immediate supervision of a veterinarian licensed and in good standing under sections 340.200 to 340.330.

2. Nothing in sections 340.200 to 340.330 shall be construed as limiting the board's authority to provide other exemptions or exceptions to the requirements of licensing as the board may find necessary or appropriate under its rulemaking authority.

3. Notwithstanding any other provisions of sections 340.200 to 340.330, rule or regulation to the contrary, nothing shall prohibit a licensed physical therapist or their assistant from providing rehabilitation services on animals pursuant to a written prescription of a licensed veterinarian.”; and

Further amend the title and enacting clause accordingly.

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

Senator Clemens offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Substitute for House Bill No. 257, Page 39, Section 644.583, Line 3 of said page, by inserting after all of said line the following:

“644.600. Sections 644.600, 644.625, 644.630, 644.635 and 644.650 shall only apply to class IA facilities which use a flush system.

644.603. For the purposes of sections 644.600 to 644.655, the following terms mean:

(1) “Animal feeding operation” or “AFO”, a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(a) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(b) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility;

(2) “Class I”, the same meaning as a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(3) “Class IA”, any concentrated animal feeding operation with a capacity of at least seven times the number of animals as described in the definition of a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(4) “Class IB”, any concentrated animal feeding operation with a capacity of at least three but less than seven times the number of animals as described in the definition of a large concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(5) “Class IC”, any concentrated animal feeding operation with a capacity of at least one but less than three times the number of animals as described in the definition of a large

concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(4) as of April 14, 2003;

(6) “Class II”, the same meaning as a medium concentrated animal feeding operation as that term is defined in 40 C.F.R. Section 122.23(b)(6) as of April 14, 2003;

(7) “Concentrated animal feeding operation” or “CAFO”, an AFO that is defined as a class I CAFO or class II CAFO, or is designated as a CAFO in accordance with subsection 2 of section 644.610. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation if such AFOs adjoin each other or use a common area or system for the disposal of waste;

(8) “Department”, the department of natural resources;

(9) “Facility”, any class IA concentrated animal feeding operation which uses a flush system;

(10) “Flush system”, an automated system of moving or removing manure utilizing liquid as the primary agent as opposed to a primarily mechanical or manually operated system such as a pull plug or scraper system;

(11) “Liquified animal waste handling facility”, any concentrated animal feeding operation that stores animal waste in a lagoon, including all gravity outfall lines, recycle pump stations, and recycle force mains;

(12) “Sensitive areas”, areas in the watershed located within five miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi rivers.

644.610. 1. The clean water commission shall have the authority and jurisdiction to regulate the establishment, permitting, design,

construction, operation, and management of any class I concentrated animal feeding operation. The clean water commission shall promulgate rules regulating the establishment, permitting, design, construction, operation, and management of any class I concentrated animal feeding operations. Such rules may require monitoring wells on a site-specific basis when, in the determination of the division of geological survey and resource assessment, class IA concentrated animal feeding operation lagoons are located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.

2. The department may designate an AFO as a concentrated animal feeding operation upon determining that it is a significant contributor of pollutants to waters of the state.

(1) In making this designation, the department shall consider the following factors:

(a) The size of the AFO and the amount of wastes reaching waters of the state;

(b) The location of the AFO relative to waters of the state;

(c) The means of conveyance of animal wastes and process wastes into waters of the state;

(d) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes manure and process waste into waters of the state; and

(e) Other relevant factors.

(2) No AFO shall be designated under this subsection unless the department has conducted an on-site inspection of the operation and determined that the operation should and could be regulated as a concentrated animal feeding operation. In addition, no AFO with numbers of

animals below a class II concentrated animal feeding operation shall be designated as a CAFO.

644.615. 1. Prior to filing an application to acquire a construction permit from the department for a new facility or for an increase of animal units to an existing facility, the owner or operator of any class IA concentrated animal feeding operation shall provide the following information to the department, to the county governing body, and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 4 of section 644.610:

(1) The number of animals anticipated at such IA facility;

(2) A general description of the waste handling plan and layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number, and registered agent or other appropriate contact for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) A statement explaining that the department will accept written comments from the public for a period of thirty days after the department places the draft permit on public notice; and

(6) The address of the department's regional or state office.

2. The department shall require proof of such notification prior to processing an application for a construction permit. Proof of notification shall consist of a statement certifying that the notification was accomplished by mailing a letter to the department, the county governing body, and to all adjoining property owners as described in subsection 1 of this section at their last known address as maintained by the county assessor's

office.

3. The department shall not issue a permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is substantially in compliance with sections 644.600 to 644.655.

4. The department shall issue a permit or respond with a letter of comment to permit applicants within forty-five days of receiving a completed permit application.

644.617. Notwithstanding any other provision of law to the contrary, any corporation or cooperative engaged in farming, as defined in section 350.010, RSMo, shall not be eligible for any state tax credits, deductions, state grants, loans, or other financial or economic assistance, unless a family farm or a family farm corporation, as defined in section 350.010, RSMo, receives such credits, deductions, grants, loans, or other assistance. This section does not apply to agricultural processing or food processing facilities.

644.625. 1. The owner or operator of any class IA liquified animal waste handling facility utilizing a flush system shall employ one or more persons who shall visually inspect the liquified animal waste handling facility for unauthorized discharge and structural integrity of any lagoon with a water level less than eighteen inches below the emergency spillway at least every twelve hours with a deviation of not to exceed three hours. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for liquified animal waste handling facilities utilizing a flush system shall have an electronic or mechanical shutoff of the system in the event of pipe

stoppage. As of July 1, 1997, all existing liquified animal waste handling facilities utilizing a flush system shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.

644.630. 1. The owner or operator of every liquified animal waste handling facility utilizing a flush system that poses a risk as determined by the department to any public drinking water supply or any aquatic life, or lies within a drainage basin and is within three hundred feet of any adjacent landowner, shall have a failsafe containment structure or earthen dam that will contain, in the event of an unauthorized discharge, a minimum volume equal to the maximum capacity of flushing in any twenty-four hour period from all gravity outfall lines, recycle pump station and recycle force mains.

2. Construction of such structure or dam, as provided in subsection 1 of this section, shall commence within ninety days of June 25, 1996.

644.635. Within twenty-four hours, any unauthorized discharge by a class IA concentrated animal feeding operation that has crossed the property line of the facility or any unauthorized discharge by a class IA concentrated animal feeding operation that utilizes a flush system of which the failsafe containment structure or earthen dam has failed to contain and has crossed the property line of the facility, or enters waters of the state shall be reported to the department and to all adjoining property owners of the facility onto whose property the unauthorized discharge flowed.

644.640. There is hereby established in the state treasury the “Concentrated Animal Feeding Operation Indemnity Fund”, to be known as the “fund” for the purposes of sections 644.640 to 644.647. All fees or other moneys payable pursuant to the provisions of

section 644.645 or other moneys received including gifts, grants, appropriations, and bequests from federal, private, or other sources made for the purpose of the provisions of sections 644.600 to 644.655, shall be payable to and collected by the director of the department of natural resources and deposited in this fund. The money in this fund, upon appropriation, shall be expended to close class IA, class IB, class IC and class II concentrated animal feeding operations as defined in the department's rules, that have been placed in the control of the government due to bankruptcy or failure to pay property taxes, or if the class IA, class IB, class IC or class II concentrated animal feeding operation is abandoned property. “Abandoned property”, for the purposes of this section, means real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three years. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the fund. Any unexpended balance in the fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.

644.645. 1. The owner or operator of each class IA concentrated animal feeding operation utilizing a liquified animal waste handling facility shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is

due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections 644.600 to 644.655, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real property which:

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and

(2) The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate designed to minimize phosphorus and nitrogen transport from fields to surface waters in compliance with the technical standards for nutrient

management established by the director or otherwise used or disposed of in a manner approved by the director. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be breached and graded in such a manner to reasonably conform to the surrounding land contours.

644.647. In the event the department determines that a class IA, class IB, class IC or class II concentrated animal feeding operation has been successfully closed by the owner or operator, all moneys paid by such operation into the concentrated animal feeding operation indemnity fund shall be returned to such operation.

644.650. The department shall conduct at least one on-site inspection of each facility quarterly.

644.655. 1. No rule or portion of a rule promulgated under the authority of sections 644.600 to 644.655 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

2. Sections 644.600 to 644.655 shall be administered by the clean water commission pursuant to the provisions and requirements of this chapter.

3. The provisions of sections 644.600 to 644.655 shall not be construed to apply to any livestock market.

644.657. The provisions of this act shall not be construed to apply to any livestock market.”; and

Further amend said bill, Page 44, Section 1, Line 15 of said page, by inserting after all of said line the following:

“[640.700. Sections 640.700, 640.725, 640.730, 640.735 and 640.750 shall only apply to class IA facilities as defined by the department rules in effect as of January 30, 1996, which use a flush system.]

[640.703. For the purposes of sections 640.700 to 640.755, the following terms mean:

(1) “Animal units”, shall be defined by rules of the department in effect as of January 30, 1996;

(2) “Animal waste wet handling facility”, includes all gravity outfall lines, recycle pump stations, recycle force mains and appurtenances;

(3) “Class IA”, any concentrated animal feeding operation with a capacity of seven thousand animal units or more;

(4) “Class IB”, any concentrated animal feeding operation with a capacity between three thousand animal units and six thousand nine hundred and ninety-nine animal units inclusive;

(5) “Class IC”, any concentrated animal feeding operation with a capacity between one thousand animal units and two thousand nine hundred and ninety-nine animal units inclusive;

(6) “Class II”, any concentrated animal feeding operation with a capacity of at least three hundred animal units, but less than one thousand animal units;

(7) “Department”, the department of natural resources;

(8) “Facility”, any class IA concentrated animal feeding operation which uses a flush system;

(9) “Flush system”, a system of moving or removing manure utilizing

liquid as the primary agent as opposed to a primarily mechanical or automatic device;

(10) “Sensitive areas”, areas in the watershed located within five miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi rivers.]

[640.710. 1. The department shall promulgate rules regulating the establishment, permitting, design, construction, operation and management of class I facilities. The department shall have the authority and jurisdiction to regulate the establishment, permitting, design, construction, operation and management of any class I facility. Such rules may require monitoring wells on a site-specific basis when, in the determination of the division of geology and land survey, class IA concentrated animal feeding operation lagoons are located in hydrologically sensitive areas where the quality of groundwater may be compromised. Such rules and regulations shall be designed to afford a prudent degree of environmental protection while accommodating modern agricultural practices.

2. Except as provided in subsections 3 and 4 of this section, the department shall require at least but not more than the following buffer distances between the nearest confinement building or lagoon and any public building or occupied residence, except a residence which is owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained:

(1) For concentrated animal feeding operations with at least one thousand

animal units, one thousand feet;

(2) For concentrated animal feeding operations with between three thousand and six thousand nine hundred ninety-nine animal units inclusive, two thousand feet; and

(3) For concentrated animal feeding operations of seven thousand or more animal units, three thousand feet.

3. All concentrated animal feeding operations in existence as of June 25, 1996, shall be exempt from the buffer distances prescribed in subsection 2 of this section. Such distances shall not apply to concentrated animal feeding operations which have received a written agreement which has been signed by all affected property owners within the buffer distance.

4. The department may, upon review of the information contained in the site plan including, but not limited to, the prevailing winds, topography and other local environmental factors, authorize a distance which is less than the distance prescribed in subsection 2 of this section. The department's recommendation shall be sent to the governing body of the county in which such site is proposed. The department's authorized buffer distance shall become effective unless the county governing body rejects the department's recommendation by a majority vote at the next meeting of the governing body after the recommendation is received.

5. Nothing in this section shall be construed as restricting local controls.]

[640.715. 1. Prior to filing an application to acquire a construction permit from the department, the owner or operator of any class IA, class IB, or class

IC concentrated animal feeding operation shall provide the following information to the department, to the county governing body and to all adjoining property owners of property located within one and one-half times the buffer distance as specified in subsection 2 of section 640.710 for the size of the proposed facility:

(1) The number of animals anticipated at such facility;

(2) The waste handling plan and general layout of the facility;

(3) The location and number of acres of such facility;

(4) Name, address, telephone number and registered agent for further information as it relates to subdivisions (1) to (3) of this subsection;

(5) Notice that the department will accept written comments from the public for a period of thirty days; and

(6) The address of the regional or state office of the department.

The department shall require proof of such notification upon accepting an application for a construction permit. The department shall accept written comments from the public for thirty days after receipt of application for construction permit.

2. The department shall not issue a permit to a facility described in subsection 1 of this section to engage in any activity regulated by the department unless the applicant is in compliance with sections 640.700 to 640.755.

3. The department shall issue a permit or respond with a letter of comment to the owner or operator of such facility within forty-five days of

receiving a completed permit application and verification of compliance with subsection 1 of this section.]

[640.725. 1. The owner or operator of any flush system animal waste wet handling facility shall employ one or more persons who shall visually inspect the animal waste wet handling facility and lagoons for unauthorized discharge and structural integrity at least every twelve hours with a deviation of not to exceed three hours. The owner or operator of the facility shall keep records of each inspection. Such records shall be retained for three years. The department shall provide or approve a form provided by the owner or operator for each facility for such inspections.

2. All new construction permits for flush system animal waste wet handling facilities shall have an electronic or mechanical shutoff of the system in the event of pipe stoppage. As of July 1, 1997, all existing flush system animal waste wet handling facilities shall have, at a minimum, an electronic or mechanical shutoff of the system in the event of pipe stoppage or backflow.]

[640.730. 1. The owner or operator of every facility, with a flush system animal waste wet handling facility that poses a risk as determined by the department to any public drinking water supply or any aquatic life, or lies within a drainage basin and is within three hundred feet of any adjacent landowner, shall have a failsafe containment structure or earthen dam that will contain, in the event of an unauthorized discharge, a minimum volume equal to the maximum capacity of flushing in any twenty-four hour period from all gravity outfall lines, recycle pump station and

recycle force mains.

2. Construction of such structure or dam, as provided in subsection 1 of this section, shall commence within ninety days of June 25, 1996.]

[640.735. Within twenty-four hours, any unauthorized discharge by a flush system animal waste wet handling facility that has crossed the property line of the facility or any unauthorized discharge by a flush system animal waste wet handling facility of which the failsafe containment structure or earthen dam has failed to contain and has crossed the property line of the facility, or enters waters of the state shall be reported to the department and to all adjoining property owners of the facility as listed on the site-specific permit.]

[640.740. There is hereby established in the state treasury the “Concentrated Animal Feeding Operation Indemnity Fund”, to be known as the “fund” for the purposes of sections 640.740 to 640.747. All fees or other moneys payable pursuant to the provisions of section 640.745 or other moneys received including gifts, grants, appropriations, and bequests from federal, private or other sources made for the purpose of the provisions of this act shall be payable to and collected by the director of the department of natural resources and deposited in this fund. The money in this fund, upon appropriation, shall be expended to close class IA, class IB, class IC and class II concentrated animal feeding operations as defined in the department's rules, that have been placed in the control of the government due to bankruptcy or failure to pay property taxes, or if the class IA, class IB, class IC or class II concentrated animal

feeding operation is abandoned property. "Abandoned property", for the purposes of this section, means real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three years. Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be deposited in the fund. Any unexpended balance in the fund at the end of any appropriation period shall not be transferred to the general revenue fund and, accordingly, shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer.]

[640.745. 1. The owner or operator of each class IA concentrated animal feeding operation utilizing flush systems shall remit to the department of natural resources a fee of ten cents per animal unit permitted to be deposited in the fund. The fee is due and payable to the department on the first anniversary of issuance of each owner or operator permit to operate such a facility and for nine years thereafter on the same date. The department of natural resources shall provide forms which such owner or operator shall use to file and pay this fee.

2. The fund shall be administered by the department for the purpose of carrying out the provisions of sections

640.700 to 640.755, relating to closure of class IA, class IB, class IC and class II concentrated animal feeding operation wastewater lagoons.

3. The fund administrators may only expend moneys for animal waste lagoon closure activities on real property which:

(1) Has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure, and pose a threat to human health, the environment, or a threat to groundwater; and

(2) The state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to sell said property to a qualifying purchaser.

4. The fund administrators shall expend no more than one hundred thousand dollars per lagoon for animal waste lagoon closure activities. The fund administrators shall only expend those moneys necessary to achieve a minimum level of closure and still protect human health and the environment. Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at a nutrient management application rate based on the most limiting nutrient as determined by Missouri clean water commission regulation. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements of the Natural Resources Conservation Service (NRCS) with minimal additional expense should be maintained as a pond. Otherwise, the lagoon berms should be

breached and graded in such a manner to reasonably conform to the surrounding land contours.]

[640.747. In the event the department determines that a class IA, class IB, class IC or class II concentrated animal feeding operation has been successfully closed by the owner or operator, all moneys paid by such operation into the concentrated animal feeding operation indemnity fund shall be returned to such operation.]

[640.750. The department shall conduct at least one on-site inspection of each facility quarterly.]

[640.755. 1. No rule or portion of a rule promulgated under the authority of sections 640.700 to 640.755 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. Sections 640.700 to 640.755 shall be administered by the clean water commission pursuant to the provisions and requirements of chapter 644, RSMo.]

[640.758. The provisions of this act shall not be construed to apply to any livestock market.]”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HB 257**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **HS** for **HCS** for **HB 257**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

DePasco Klindt—2

Senator Bartle assumed the Chair.

The President declared the bill passed.

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

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

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

HB 189 was placed on the Informal Calendar.

HS for **HCS** for **HB 121**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 640**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Emancipation Day.

Was taken up by Senator Days.

On motion of Senator Days, **HCS** for **HB 640** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell

Scott Shields Steelman Stoll
 Vogel Wheeler Yeckel—31

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

HCS for **HB 688**, with **SCS**, was placed on the Informal Calendar.

HB 593 was placed on the Informal Calendar.

HS for **HCS** for **HB 455**, with **SCS**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

Was taken up by Senator Kinder.

SCS for **HS** for **HCS** for **HB 455**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 455

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for prostheses and scalp hair prostheses.

Was taken up.

Senator Kinder moved that **SCS** for **HS** for **HCS** for **HB 455** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 455, Page 2, Section 376.1222, Line 31, by inserting after all of said line the following:

“Section 1. Notwithstanding any other law or regulation to the contrary, any health carrier, as defined in section 376.1350, RSMo, may offer, as an option, one or more health benefit plans which contain deductibles, coinsurance, coinsurance differentials, or variable copayments. Nothing in this section shall be construed as precluding a health carrier from covering any mandated health benefits as required by state or federal law.”; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted.

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

Senator Kinder moved that **SCS** for **HS** for **HCS** for **HB 455** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HS** for **HCS** for **HB 455** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Goode Quick—2

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Cauthorn moved that the Senate refuse to concur in **HCS** for **SB 39**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 598**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and has taken up and passed **CCS** for **SS** for **HS** for **HCS** for **HBs 679** and **396**.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1006, regarding the Missouri Federation of Square and Round Dancers, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1007, regarding Edward M. “Bud” Larson, Mexico, which was adopted.

Senator Kinder offered Senate Resolution No. 1008, regarding David Jimenez, M.D., F.A.C.S., F.A.A.P., which was adopted.

Senator Mathewson offered Senate Resolution No. 1009, regarding the One Hundredth Birthday of Erma Freese, Concordia, which was adopted.

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

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 228**, as amended. Representatives: Pearce, Wood, Bearden, Graham and Walsh.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HBs 517, 94, 149, 150** and **342** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HB 198** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 12** and requests the Senate take up and pass **HCS** for **SB 12**.

PRIVILEGED MOTIONS

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **HB 198**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150** and **342**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in Conference Committee Report on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and grant the House a further conference thereon and that the conferees be allowed to exceed the differences on Section 210.201, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 198**, as amended: Senators Nodler, Bartle, Shields, Caskey and Mathewson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150** and **342**, as amended: Senators Gross, Yeckel, Loudon, Goode and Bray.

PRIVILEGED MOTIONS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**,

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

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 248, 100, 118, 233, 247, 341, and 420

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, with House Amendment Nos. 1, 2 & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 248, 100, 118, 233, 247, 341, & 420, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross /s/ Todd Smith

/s/ John T. Russell /s/ Tom Dempsey

/s/ Delbert Scott /s/ Scott Rupp

/s/ Ed Quick /s/ D. J. Davis

/s/ Wayne Goode /s/ Esther Haywood

Senator Gross 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	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Dolan—2

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Gross, **CCS** for **HS** for **HCS** for **SS No. 2** for **SCS** for **SBs 248, 100, 118, 233, 247, 341** and **420**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 248, 100, 118, 233, 247,
341 and 420

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

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Dolan—2

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

DePasco Klindt—2

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

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

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

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief

Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 11**, entitled:

An Act to repeal sections 34.070, 34.073, 99.820, 99.845, 137.100, 143.121, 144.030, and 260.830, RSMo, and to enact in lieu thereof fourteen new sections relating to taxation, with an emergency clause and a termination date for a certain section.

With House Amendments Nos. 1, 2, 3, House Substitute Amendment No. 1 for House Amendment No. 4 and House Amendment No. 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 3, Section 21.810, Lines 14 through 16 by deleting the words “, **including the internal organization, management, powers, duties and functions of the departments, commissions, and offices**”.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 42, Section 99.845, Line 5, by inserting after all of said line the following:

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

(1) “Contribution”, a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) “Director”, the director of the department of social services;

(3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by

offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended;

(4) “State tax liability”, in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) “Taxpayer”, a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148,

RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure

by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to

the disclosure of tax information.

9. This section shall apply to all tax years beginning after December 31, 2003.

135.631. On or after July 1, 2006, taxpayers shall be permitted to redeem tax credits they can claim pursuant to section 135.630. Prior to July 1, 2006, taxpayers shall only be permitted to redeem tax credits they can claim pursuant to section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they are limited to a maximum amount during a specified time period, and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed.”; 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. 11, Page 42, Section 99.845, Line 5, by inserting after said line the following:

“135.478. As used in sections 135.481 to 135.487, the following terms mean:

(1) “Department”, the department of economic development;

(2) “Director”, the director of the department of economic development;

(3) “Distressed community”, as defined in section 135.530;

(4) “Eligible costs for a new residence”, expenses incurred for property acquisition, development, site preparation other than demolition, surveys, architectural and engineering services and construction and all other necessary and incidental expenses incurred for constructing a new market rate residence, which is or will be owner-occupied, which is not replacing a national

register listed or local historic structure; except that, costs paid for by the taxpayer with grants or forgivable loans, other than tax credits, provided pursuant to state or federal governmental programs are ineligible;

(5) “Eligible costs for rehabilitation”, expenses incurred for the renovation or rehabilitation of an existing residence including site preparation, surveys, architectural and engineering services, construction, modification, expansion, remodeling, structural alteration, replacements and alterations; except that, costs paid for by the taxpayer with grants or forgivable loans other than tax credits provided pursuant to state or federal governmental programs are ineligible;

(6) “Eligible residence”, a single-family residence forty years of age or older, located in this state and not within a distressed community as defined by section 135.530, which is occupied or intended to be or occupied long-term by the owner or offered for sale at market rate for owner-occupancy and which is either located within a United States census block group which, if in a metropolitan statistical area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the metropolitan statistical area in which the census block group is located, or which, if located within a United States census block group in a nonmetropolitan area, has a median household income of less than ninety percent, but greater than or equal to seventy percent of the median household income for the nonmetropolitan areas in the state;

(7) “Flood plain”, any land or area susceptible to being inundated by water from any source or located in a one hundred-year flood plain area determined by Federal Emergency Management Agency mapping as subject to flooding;

(8) “New residence”, a residence constructed on land which if located within a distressed community has either been vacant for at least two

years or is or was occupied by a structure which has been condemned by the local entity in which the structure is located or which, if located outside of a distressed community but within a census block group as described in subdivision (6) or (10) of this section, either replaces a residence forty years of age or older demolished for purposes of constructing a replacement residence, or which is constructed on vacant property which has been classified for not less than forty continuous years as residential or utility, commercial, railroad or other real property pursuant to article X, section 4(b) of the Missouri Constitution, as defined in section 137.016, RSMo; **or, if in a county of the third classification without a township form of government and with more than fifty-four thousand two hundred but not less than fifty-four thousand three hundred residents, or a county of the first classification without a charter form of government with a population of more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred residents, vacant property classified as residential or agricultural or horticultural property, as defined in section 137.016, RSMo, and is located within the limits of the city or is served by a municipal sanitary sewer service;** except that, no new residence shall be constructed in a flood plain or on property used for agricultural purposes, **except as otherwise provided in this section.** In a distressed community, the term “new residence” shall include condominiums, owner-occupied units or other units intended to be owner-occupied in multiple unit structures **or as separate adjacent single-family units;**

(9) “Project”, new construction, rehabilitation or substantial rehabilitation of a residence that qualifies for a tax credit pursuant to sections 135.475 to 135.487;

(10) “Qualifying residence”, a single-family residence, forty years of age or older, located in this state which is occupied or intended to be occupied long-term by the owner or offered for sale

at market rate for owner-occupancy and which is located in a metropolitan statistical area or nonmetropolitan statistical area within a United States census block group which has a median household income of less than seventy percent of the median household income for the metropolitan statistical area or nonmetropolitan area, respectively, or which is located within a distressed community. A qualifying residence shall include a condominium or residence within a multiple residential structure or a structure containing multiple single-family residences which is located within a distressed community;

(11) “Substantial rehabilitation”, rehabilitation the costs of which exceed fifty percent of either the purchase price or the cost basis of the structure immediately prior to rehabilitation; provided that, the structure is at least fifty years old notwithstanding any provision of sections 135.475 to 135.487 to the contrary;

(12) “Tax liability”, the tax due pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo;

(13) “Taxpayer”, any person, partnership, corporation, trust or limited liability company.”.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 47, Section 143.121, Line 1, by inserting immediately after said line the following: “and,

(h) For all tax years beginning on or after January 1, 2003, the amount of any income received for military service.”.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 11, Page 42, Section 137.100, Line 18 by inserting after said line the following:

“(5) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt pursuant to this subdivision in the event of a conveyance as of the date, if any, when:

(a)The right of the interstate compact agency to use, control, and possess the property is terminated;

(b)The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c)There is no provision for reverter of the property within the limitation period for reverters.; and renumber said section accordingly; and

Further amend said bill, Page 62, Section 144.030, Line 13 by inserting after said line the following:

“(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo.”; and

Further amend said bill, Page 64, Section

144.049, Line 17 by inserting after said line the following:

“144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing [under] **pursuant to** the constitution or laws of the United States or of this state;

(2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed [under] **pursuant to** the Missouri sales tax law;

(3) Tangible personal property, the sale **or other transfer** of which, if made in this state, would be exempt from or not subject to the Missouri sales tax [under] **pursuant to** the provisions of subsections 2 and 3 of section 144.030;

(4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;

(5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;

(6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;

(7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 11**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 445, with **SCS**, entitled:

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

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

SCS for **HB 445**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 445**

An Act to repeal sections 210.115, 210.937, and 352.400, RSMo, and to enact in lieu thereof three new sections relating to child protection.

Was taken up.

Senator Loudon moved that **SCS** for **HB 445** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 445, Page 3, Section 210.937, Lines 1-2, 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.

Senator Loudon moved that **SCS** for **HB 445**,

as amended, be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **HB 445**, as amended, be read the 3rd time and finally passed.

Senator Loudon was recognized to close.

Senator Gibbons moved that **SCS** for **HB 445**, as amended, be referred to the Committee on Governmental Accountability and Fiscal Oversight, which motion prevailed.

PRIVILEGED MOTIONS

Senator Gross moved that **SCS** for **SB 675**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 675**, as amended, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675**

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an emergency clause and an effective date for a certain section.

Was taken up.

Senator Gross moved that **HCS** for **SCS** for **SB 675**, as amended, be adopted.

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

Senator Yeckel moved that **SS** for **SCS** for **SB 346**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 346**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346**

An Act to repeal sections 30.270, 59.163, 173.387, 173.390, 306.410, 361.130, 361.140, 361.160, 361.170, 362.010, 362.105, 362.106, 362.170, 362.295, 362.910, 362.923, 364.030, 364.105, 365.030, 367.140, 367.509, 369.159, 400.9-525, 407.433, 408.140, 408.233, 408.450, 408.455, 408.460, 408.465, 408.467, 408.470, 408.500, 408.653, 408.654, and 447.510, RSMo,

and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **HCS** for **SS** for **SCS** for **SB 346** be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 346** and request the House to recede from its position and pass **SS** for **SCS** for **SB 346** or, failing to do so, grant the Senate a conference thereon and requested a roll call vote be taken. He was joined in his request by Senators Days, Kennedy, Quick and Wheeler.

The substitute motion failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

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

Absent—Senator Bland—1

Absent with leave—Senators

DePasco Klindt—2

Senator Yeckel moved that **HCS** for **SS** for **SCS** for **SB 346** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

Vogel Wheeler Yeckel—31

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Yeckel, **HCS** for **SS** for **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Dougherty—2

Absent with leave—Senators

DePasco Klindt—2

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

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 **SB 469**, entitled:

An Act to repeal sections 32.056, 43.530, 50.640, 115.157, 221.070, 454.470, 455.027, 455.075, 455.504, 455.536, 478.610, 483.015, 483.083, 488.2250, 488.2253, 488.4014, 488.5320, 494.425, 511.350, 535.030, 565.084, 590.653, 595.045, and 595.050, RSMo, and to enact in lieu thereof twenty-eight new sections relating to court personnel and their duties, with an expiration date and penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 469, Page 12, Section 217.860, Line 4, by deleting from said line the word “and”; and

Further amend said page and section, Line 9, by deleting the period “.” on said line and inserting in lieu thereof the following: “; and

(8) The president of the Missouri Association of Prosecuting Attorneys.”; and

Further amend said bill, Page 13, Section 429.011, by deleting all of said section; and

Further amend said bill, Page 24, Section 483.015, Line 14, by inserting after the period on said line the following:

“This subsection shall expire upon adoption by any city not within a county, by charter or pursuant to Article VI, Section 20, of the Missouri constitution, of a provision for a different method of selection of the circuit clerk of said city not within a county than is provided in this subsection.”; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House

Committee Substitute for Senate Bill No. 469, Page 52, Line 24, by inserting after all of said line the following:

“590.653. 1. Each city, county and city not within a county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses. **Each member, during his or her entire term, shall:**

(1) Be at least eighteen years of age; and

(2) Be a registered voter residing within the city, county, or city not within a county; and

(3) As a result of the criminal history background check, not have been convicted of or pled guilty or nolo contendere to or have been found guilty of a crime under the laws of the state of Missouri, of any other state, of the United States, or of any other country, whether or not a sentence is or was imposed.

2. The board shall have the power to receive, investigate, make findings and recommend disciplinary action upon complaints by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the chief law enforcement official. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such findings or recommendations.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the conferees on **SS** for **HB 198**, as amended. Representatives: Stevenson, Lipke, Mayer, Jolly and Carnahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the conferees on **SS** for **SCS** for **HS** for **HCS** for **HBs 517, 94, 149, 150 and 342**, as amended. Representatives: Portwood, Lembke, Deeken, Hilgemann and Abel.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to concur in **HS** for **HCS** for **SB 469**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 688**, with **SCS**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto eleven new sections relating to the life sciences research trust fund.

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

SCS for **HCS** for **HB 688**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 688

An Act to amend chapter 196, RSMo, by adding thereto eleven new sections relating to the life sciences research trust fund.

Was taken up.

Senator Kinder moved that **SCS** for **HCS** for **HB 688** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 1, Section 196.1100, Line 10, by inserting after "196.1130" the following: "**without a majority vote in each house of the general assembly**".

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

Senator Gross assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 3, Section 196.1106, Line 30, by inserting immediately after the word "institutions" the following: "**, agricultural research centers dedicated to the development of plant-made pharmaceuticals,**".

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

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 688, Page 12, Section 196.1130, Line 3, by inserting after all of said line the following:

"Section 1. Any bank account, included but not limited to the Life Sciences Research Trust Fund created pursuant to section 196.1100, RSMo, with an average daily balance of ten thousand dollars or more, containing state funds, shall be obtained through an open and competitive bid process."; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder moved that **SCS** for **HCS** for **HB 688**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HCS** for **HB 688** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Bland—1

Absent—Senators

Dougherty	Quick	Russell—3
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Absent with leave—Senators

DePasco	Klindt—2
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The President declared the bill passed.

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

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

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

Senator Cauthorn requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the Committee on Governmental Accountability and Fiscal Oversight to meet while the Senate is in session, which request was granted.

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 **SS** for **SCS**

for **SBs 361, 103, 156** and **329**, entitled:

An Act to repeal sections 260.273, 319.125, 319.127, 319.139, 393.015, 640.100, 640.115, 640.605, 640.615, 640.620, 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.740, 640.745, 640.747, 640.750, 640.755, 640.758, 643.078, 644.016, and 644.051, RSMo, section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof seventy-six new sections relating to waste, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Amendment No. 1 to House Amendment No. 7 and House Amendment No. 7, as amended.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 124, Section 6, Lines 5 to 12 of said page, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 2, Section 204.600, Line 22 of said page, by inserting a comma “,” after the number “**204.472**”.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 66, Section 393.1000, Line 12 of said page, by deleting the words: “**that is less than sixteen inches in diameter**” ; and

Further amend said bill, Page 72, Section 393.1006, Lines 9 and 10 of said page, by deleting

all of said lines.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156, & 329, Pages 60 to 62, Section 393.015, by deleting all of said section; and

Further amend said bill, Pages 62 to 65, Section 393.018, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 361, 103, 156 & 329, Page 2, Section A, Line 15 of said page, by inserting immediately after all of said line the following:

“64.907. 1. Any county subject to Environmental Protection Agency rules 40 C.F.R. Parts 9, 122, 123, and 124 concerning storm water discharges is authorized to adopt rules, regulations, or ordinances reasonably necessary to comply with such federal regulations including but not limited to rules, regulations, or ordinances which promote the best storm water management practices in regulating storm water discharges established by the Environmental Protection Agency.

2. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility or other entity to administer any such rules, regulations, or ordinances adopted under subsection 1 of this section which shall include authority to impose user fees to fund the administration of such rules, regulations, or ordinances.

3. Any county adopting rules, regulations, or ordinances under subsection 1 of this section is authorized to establish by rule, regulation, or ordinance a storm water control utility tax in such amount as is deemed reasonable and

necessary to fund public storm water control projects if such tax is approved by majority of the votes cast.

4. The tax authorized in this section shall be in addition to the charge for the storm water control and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for storm water control. Such tax shall be stated separately from all other charges and taxes.

5. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for storm water control in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of storm water control?

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 become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.” ; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Pages 123 and 124, Section 5, by deleting all of said section; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 1, Section 250.140, Line 8, by inserting at the end of said line the following:

“Nothing herein shall affect any party’s remedy pursuant to any written contract.”.

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 & 329, Page 48, Line 20, by inserting after said line the following:

“250.140. [1.] **In the case of privately owned property**, sewerage services or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney’s fee to be fixed by the court.

[2. If the occupant of the premises receives the billing, any notice of termination of service shall be send to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner’s business addresses.]”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS No. 2** for **SB 695**, as amended, and grants the

Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HB 327** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 173**, as amended: Senators Quick, Champion, Shields, Childers and Wheeler.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS No. 2** for **SB 695**, as amended: Senators Goode, Russell, Gross, Shields and Dougherty.

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 327**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Childers assumed the Chair.

Senator Steelman moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SBs 361, 103, 156** and **329**, as amended, and request the House to recede from its position and grant the Senate a conference thereon, and further that the conferees be allowed to exceed the differences by adding a provision to allow a vote on the expansion of a sewer district and to provide notice to the owners of that expansion, which motion prevailed.

Senator Shields moved that **SCS** for **SB 358**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 358**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 358

An Act to repeal section 115.073, RSMo, and to enact in lieu thereof one new section relating to general expenses of elections paid by certain political subdivisions.

Was taken up.

Senator Shields moved that **HCS** for **SCS** for **SB 358** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

DePasco Klindt—2

On motion of Senator Shields, **HCS** for **SCS** for **SB 358** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

DePasco Klindt—2

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.

Bill ordered enrolled.

CONFERENCE COMMITTEE
APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 327**, as amended: Senators Dolan, Steelman, Gross, Stoll and Mathewson.

PRIVILEGED MOTIONS

Senator Gross moved that **SS** for **SCS** for **SB 30**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 30**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing persons, with penalty provisions.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SCS** for **SB 30**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Mathewson Quick—2

Absent with leave—Senators

DePasco Klindt Scott—3

On motion of Senator Gross, **HCS** for **SS** for **SCS** for **SB 30**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Mathewson Quick—3

Absent with leave—Senators

DePasco Klindt Scott—3

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **HB 445**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **SCS** for **HB 445**, as amended, be called from the Informal Calendar and taken up for third reading and final passage, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 445**, as amended, was read the third time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Mathewson Quick—3

Absent with leave—Senators

DePasco Klindt Scott—3

The President declared the bill passed.

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

Senator Loudon 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 Yeckel moved that **SB 243**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 243, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 243**

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund, with an emergency clause.

Was taken up.

Senator Yeckel moved that **HCS for SB 243** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Mathewson—2

Absent with leave—Senators

DePasco Klindt Scott—3

On motion of Senator Yeckel, **HCS for SB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

DePasco Klindt Scott—3

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
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland Dolan Dougherty—3

Absent with leave—Senators

DePasco Klindt Scott—3

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.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS No. 2**, for **SB 695**, as amended. Representatives: Bearden, Lager, Purgason, Campbell and Page.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 39**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 39**, as amended. Representatives: Mayer, Hobbs, Goodman, Kelly 36 and Bringer.

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 **HCS** for **HB 138** and requests the Senate take up and pass **HCS** for **HB 138**.

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 **HCS** for **HB 73** and requests the Senate take up and pass **HCS** for **HB 73**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, and the conferees be allowed to exceed the differences on Section 210.201.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 11**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 11**, as amended. Representatives: Shoemaker, Sutherland, Rupp, Page and Willoughby.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 469**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 469**, as amended. Representatives: Byrd, Pratt, Stevenson, Kratky and Johnson 90.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **HB 286**, as amended by **HPA 1**.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 286, Page 2, Section 208.478, Line 9, by deleting the numeral “**70-10.010**” and inserting in lieu thereof the following: “**70-15.010**”.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 668**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 668**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 11**, as amended: Senators Kinder, Vogel, Bartle, Stoll and Coleman.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 39**, as amended: Senators Cauthorn, Yeckel, Dolan, Wheeler and Mathewson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 469**, as amended: Senators Bartle, Caskey, Coleman, Yeckel and Nodler.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 121**, with **SCS**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for chiropractic care.

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

SCS for **HS** for **HCS** for **HB 121**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 121

An Act to repeal sections 354.085, 354.405, and 354.603, RSMo, and to enact in lieu thereof five new sections relating to managed care chiropractic services.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HCS** for **HB 121** be adopted.

Senator Shields offered **SS** for **SCS** for **HS** for **HCS** for **HB 121**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 121

An Act to repeal sections 354.085, 354.405, and 354.603, RSMo, and to enact in lieu thereof five new sections relating to managed care chiropractic services.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 121** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 11, Section 354.603, Line 13, by repealing section 376.995 and inserting one new section enacted in lieu thereof, to be known as sections 376.995, to read as follows:

376.995. 1. This section shall be known as the "Limited Mandate Health Insurance Act".

2. Limited mandate health insurance policies and contracts shall mean those policies and contracts of health insurance as defined in section 376.960 and which cover individuals and their

families (but not including any Medicare supplement policy or contract) and groups sponsored by an employer who employs fifty or fewer persons.

3. Notwithstanding any other provision of law to the contrary, no law requiring the coverage of a particular health care service or benefit, or requiring the reimbursement, utilization or inclusion of a specific category of licensed health care practitioner, shall apply to limited mandate health insurance policies and contracts[, except the following provisions:

(1) Subsection 1 of section 354.095, RSMo, to the extent that it regulates maternity benefits;

(2) Section 375.995, RSMo;

(3) Section 376.406;

(4) Section 376.428;

(5) Section 376.782;

(6) Section 376.816;

(7) Section 376.1210;

(8) Section 376.1215; and

(9) Section 376.1219]. **The requirements contained in this section for benefits provided under limited mandate health insurance policies and contracts shall be the exclusive requirements for such policies and contracts.**

4. In order for an insurer as defined in section 376.960 to be eligible to market, sell or issue limited mandate health insurance, the insurer shall:

(1) [Restrict its marketing and sales efforts to only those persons or groups as defined in subsection 2 of this section which currently do not have health insurance coverage or to those persons or employers which certify in writing to the insurer that they will terminate the coverage they currently have at the time they would otherwise renew coverage because of cost;

(2)] Fully and clearly disclose to the person or group to whom the limited mandate health insurance policy or contract is to be issued that the

reason coverage for this product is less expensive than other coverage is because the policy or contract does not contain coverages or health professional payment mechanisms that are required by subsection 3 of this section;

[(3)] (2) Clearly disclose in all sales, promotional and advertising material related thereto that the product is a limited mandate health insurance policy or contract.

5. The provisions of section 376.441 shall not apply to any group which replaces its current coverage with a limited mandate health insurance policy or contract if the benefit to be extended is one for services which are not covered by the replacing policy or contract.

6. Notwithstanding any other provision of this section to the contrary, the provisions of paragraph (b) of subdivision (11) of section 375.936, RSMo, shall apply to limited mandate health insurance policies with respect to physician services covered under such policies, which can be provided by persons licensed pursuant to section 332.181, RSMo.

Senator Loudon moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 1 goes beyond the scope and purpose of the original bill.

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

At the request of Senator Loudon, SA 1 was withdrawn, rendering the point of order moot.

Senator Days offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 3, Section 354.085, Line 1, by inserting after the word “advisable” the following:

1. No health carrier as defined in section

376.1350, RSMo, including preferred provider organizations, health maintenance organizations, independent physician associations, or any other entity that contracts with physicians for health care, shall change or attempt to change any code submitted by the physician for health services without the express written permission of the physician involved and without the examination of the patient record to determine the services provided by the physician. In the event of a dispute, the health carrier shall provide and establish procedures for resolution of the dispute between the physician and health carrier.

2. Every contract between a health carrier or other organization and a physician shall specifically set forth the codes that represent the specific covered health services for which the physician shall be responsible and for which the health carrier or other organization shall provide compensation, remuneration or reimbursement from and the fee, compensation, remuneration or reimbursement for each such code. The code shall refer to the most recent American Medical Association code book and other recognized codes as adopted and used in the Medicare and Medicaid programs of the state and federal government.

1. No health carrier as defined in section 376.1350 shall enter into or renew any contract with any health care provider that provides that the health care provider shall pay to the health carrier any fee, commission, rebate, or other form of compensation that is based in whole or in part on any amount due from the health carrier for the provision of health care services.

Senator Days moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 2 is out of order, as it goes beyond the title, scope and purpose of the bill.

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

At the request of Senator Days, SA 2 was

withdrawn, rendering the point of order moot.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 1, In the Title, Line 4 of the title, by striking "managed care chiropractic services" and inserting in lieu thereof the following: "health insurance"; and

Further amend said bill, Page 11, Section 354.603, Line 13 of said page, by inserting after all of said line the following:

"376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued, or renewed after January 1, 2004, shall provide coverage for hearing aids and associated hearing evaluations and consumable supplies that are prescribed and dispensed by appropriately licensed professionals to dependent children through age nineteen under a policy, contract, or plan.

2. The hearing aids covered pursuant to this section shall:

(1) Be an electronic, wearable device designed for the purpose of aiding or compensating for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. A health insurer or health benefit plan subject to this section shall not cap the benefit payable for hearing aids to less than one thousand two hundred fifty dollars per hearing aid for each ear with a hearing loss. An insured or enrollee may choose a hearing aid that costs more than the benefit payable and may pay the difference between the cost of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are

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

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 3 is out of order, as it goes beyond the title, scope and purpose of the original bill.

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

SA 3 was again taken up.

At the request of Senator Caskey, SA 3 was withdrawn.

Senator Caskey offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 12, Section 376.1231, Line 27, by inserting after all of said line the following:

“430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) “Claim”, a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) “Clinic”, a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) “Health practitioner”, a chiropractor licensed pursuant to chapter 331, RSMo, a

podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) “Insurance carrier”, any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

(5) “Other institution”, a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) “Patient”, any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. “Net proceeds”, as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health

care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.

[430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) “Claim”, a claim of a patient for:

(a) Damages from a tort-feasor;

or

(b) Benefits from an insurance carrier;

(2) “Clinic”, a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) “Health practitioner”, a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) “Insurance carrier”, any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;

(5) “Other institution”, a legal

entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;

(6) “Patient”, any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 to 430.250.

3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of health care practitioners, hospitals, clinics or other institutions. “Net proceeds”, as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the health care provider, the insurance carrier may pay the amount due secured by the lien of the health care provider directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries cause by the tort-feasor.

5. Any health care provider

electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]”; and

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

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

Senator Dougherty offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bill No. 121, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

“To repeal section 376.429, RSMo, and to enact in lieu thereof three new sections relating to health insurance coverage.”; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

“Section A. Section 376.429, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 376.429, 376.1230, and 376.1231, to read as follows:

376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 6 of this section incurred as the result of phase **I**, **II**, **III**, or **IV** of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.

2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment

and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.

3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.

4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to clinical trials that are approved or funded by one of the following entities:

(1) One of the National Institutes of Health (NIH);

(2) An NIH cooperative group or center as defined in subsection 6 of this section;

(3) The FDA in the form of an investigational new drug application;

(4) The federal Departments of Veterans' Affairs or Defense;

(5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or

(6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the

clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; [whether the trial is for the treatment of cancer or other serious or life-threatening disease, and if not cancer, the particular disease;] and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

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

(1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;

(3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:

(a) The investigational item or service itself;

(b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and

(c) Items and services customarily provided

by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act.

9. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies.”; and

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

Senator Dougherty moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 5** is out of order, as it goes beyond the title, scope and purpose of the original bill.

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

Senator Loudon offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 121, Page 12, Section 376.1231, Line 27 of said page, by inserting after all of said line the following:

“376.1578. As used in sections 376.1578 to 376.1593, unless otherwise specifically provided, the following terms shall mean:

(1) “Appropriate committees of the general assembly” or “committees”, standing committees of the Missouri state senate and

house of representatives that have jurisdiction over issues that regulate health carriers, health care facilities, health care providers, or health care services;

(2) “Health carrier” or “carrier” shall have the same meaning as ascribed in section 376.1350;

(3) “Mandated health benefit”, “mandated benefit”, or “benefit”, coverage or offering required by law to be provided by a health carrier to:

(a) Cover a specific health care service or services;

(b) Cover treatment of a specific condition or conditions; or

(c) Contract, pay, or reimburse specific categories of health care providers for specific services; a mandated option is not a mandated health benefit;

(4) “Mandated benefit review commission”, the commission established pursuant to section 376.1581.

376.1581. 1. There is hereby established a commission to be known as the “Mandated Health Benefit Review Commission” within the department of insurance. The commission shall consist of the following members:

(1) The director of the department of insurance who shall serve in a nonvoting advisory capacity;

(2) The director of the department of health and senior services who shall serve in a nonvoting advisory capacity;

(3) Two members of the Missouri house of representatives, one from each major political party represented in the house of representatives, appointed by the speaker of the house;

(4) Two members of the senate, one from each major political party represented in the

senate, appointed by the president pro tem of the senate;

(5) One member representing the interests of employers having more than one hundred employees, appointed by the governor with the advice and consent of the senate;

(6) One member representing the interests of employers having less than one hundred employees, appointed by the governor with the advice and consent of the senate;

(7) Two individual purchasers of health insurance policies, appointed by the governor with the advice and consent of the senate;

(8) Two employees that pay a percentage of their health insurance sponsored by their employers, appointed by the governor with the advice and consent of the senate; and

(9) An insurance producer who is licensed to sell health insurance policies, appointed by the governor with the advice and consent of the senate.

2. Members appointed by the governor shall serve for four-year terms and until their successors are appointed; provided however, that the terms of four of the seven original appointees shall be for two years. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health and insurance shall provide such support as the commission requires to aid it in the performance of its duties. The commission may consult with experts from the health research, biostatistics, actuarial science and other areas the commission deems appropriate.

4. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

5. The commission shall be established by October 1, 2003.

376.1584. 1. After the mandated health benefit review commission has been established pursuant to section 376.1581, the commission shall review all existing state mandated health benefits and issue a report to the president pro tem of the senate, the speaker of the house of representatives, and the respective committees in both houses which handle health and insurance issues. The commission shall review the projected costs of all existing state and federal mandated health benefits. The report shall state the costs of all current state and federal mandated benefits and recommend to the general assembly whether any current mandated health benefits should be repealed from state law.

2. The commission shall submit the report described in subsection one of this section to the general assembly no later than the tenth legislative day of the session beginning in January, 2005. Upon submittal, the general assembly may introduce legislation implementing the recommendations of the mandated benefit review commission.

376.1587. Every proposed legislative measure containing a mandated health benefit, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the mandated health benefit review commission for the preparation of a report as described in section 376.1593. The report prepared by the mandated benefit review commission shall accompany the fiscal note prepared for the bill containing the mandated health benefit throughout its course of passage.

376.1590. If a bill is heard in a committee and the bill contains a mandated health benefit which was not contained in the introduced version of the bill, the appropriate committee of the general assembly having jurisdiction over the bill shall determine the level of support for the legislative proposal among the members of the committee. If there is support for the proposed mandate among a majority of the members of the committee, the committee may refer the proposal to the mandated health benefit review commission for review and evaluation pursuant to section 376.1593. The committee having jurisdiction over the legislative proposal shall prescribe the time period in which the report must be completed pursuant to section 376.1593. Upon completion of a review and evaluation, the committee shall review the findings of the mandated health benefit review commission. Such report shall accompany the bill throughout its course of passage.

376.1593. Upon submission of a legislative proposal pursuant to section 376.1590 or upon referral of a mandated health benefit proposal from the appropriate committee of the general assembly having jurisdiction over the proposal, the mandated health benefit review commission shall conduct a review and evaluation of the mandated health benefit proposal and shall issue a report of its findings to the committee. The report shall include, at the minimum and to the extent that information is available, the following:

(1) The social impact of mandating the benefit, including:

(a) The extent to which the treatment or service is utilized by a significant portion of the population;

(b) The extent to which the treatment or service is available to the population;

(c) The extent to which insurance coverage

for this treatment or service is already available;

(d) If coverage is not generally available, the extent to which the lack of coverage results in persons being unable to obtain necessary health care treatment;

(e) If the coverage is not generally available, the extent to which the lack of coverage results in unreasonable financial hardship on those persons needing treatment;

(f) The level of public demand and the level of demand from providers for the treatment or service;

(g) The level of public demand and the level of demand from the providers for individual or group insurance coverage of the treatment or service;

(h) The level of interest in and the extent to which collective bargaining organizations are negotiating privately for inclusion of this coverage in group contracts;

(i) The likelihood of achieving the objectives of meeting a consumer need as evidenced by the experience of other states;

(j) The relevant findings of the state health planning agency or the appropriate health system agency relating to the social impact of the mandated benefit;

(k) The alternatives to meeting the identified need;

(l) Whether the benefit is a medical or a broader social need and whether it is consistent with the role of health insurance and the concept of managed care;

(m) The impact of any social stigma attached to the benefit upon the market;

(n) The impact of this benefit on the availability of other benefits currently being offered;

(o) The impact of the benefit as it relates to

employers shifting to self-insured plans and the extent to which the benefit is currently being offered by employers with self-insured plans; and

(p) The impact of making the benefit applicable to the state employee health insurance program established pursuant to chapter 103, RSMo;

(2) The financial impact of mandating the benefit, including:

(a) The extent to which the proposed insurance coverage would increase or decrease the cost of the treatment or service over the next five years;

(b) The extent to which the proposed coverage may increase the appropriate or inappropriate use of the treatment or service over the next five years;

(c) The extent to which the mandated treatment or service may serve as an alternative for more expensive or less expensive treatment or service;

(d) The methods that will be instituted to manage the utilization and costs of the proposed mandate;

(e) The extent to which the insurance coverage may affect the number and types of providers of the mandated treatment or service over the next five years;

(f) The extent to which insurance coverage of the health care service or provider may be reasonably expected to increase or decrease the insurance premium and administrative expenses of policyholders;

(g) The impact of indirect costs, which are costs other than premiums and administrative costs, on the question of the costs and benefits of coverage;

(h) The impact of this coverage on the total cost of health care, including potential benefits

and savings to insurers and employers because the proposed mandated treatment or service prevents disease or illness or leads to the early detection and treatment of disease or illness that is less costly than treatment or service for later stages of a disease or illness;

(i) The effects of mandating the benefit on the cost of health care, particularly the premium and administrative expenses and indirect costs, to employers and employees, including the financial impact on small employers, medium-sized employers and large employers; and

(j) The effect of the proposed mandate on cost-shifting between private and public payors of health care coverage and on the overall cost of the health care delivery system in this state;

(3) The medical efficacy of mandating the benefit, including:

(a) The contribution of the benefit to the quality of patient care and the health status of the population, including the results of any research demonstrating the medical efficacy of the treatment or service compared to alternatives or not providing the treatment or service; and

(b) If the legislation seeks to mandate coverage of an additional class of practitioners:

a. The results of any professionally acceptable research demonstrating the medical results achieved by the additional class of practitioners relative to those already covered; and

b. The methods of the appropriate professional organization that assure clinical proficiency; and

(4) The effects of balancing the social, economic and medical efficacy considerations, including:

(a) The extent to which the need for coverage outweighs the costs of mandating the

benefit for all policyholders;

(b) The extent to which the problem of coverage may be solved by mandating the availability of the coverage as an option for policyholders; and

(c) The cumulative impact of mandating this benefit in combination with existing mandates on the costs and availability of coverage.

376.1595. Beginning July 1, 2004, any mandated health benefit approved by the general assembly after such date shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandated health benefit by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 6** is out of order, as it goes beyond the title, scope and purpose of the original bill.

The point of order was referred to the

President Pro Tem, who ruled it well taken.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Quick—3
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Absent with leave—Senators

DePasco	Klindt	Scott—3
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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 Cauthorn moved that the Senate conferees on **HCS** for **SB 39**, as amended, be allowed to exceed the differences by closing the loophole that allows persistent drug offenders who are convicted of selling methamphetamine or other controlled substances near a school or public housing to be eligible for parole, which motion prevailed.

Senator Gross moved that the Senate refuse to

concur in **HCS** for **SCS** for **SB 675**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Yeckel moved that **SS** for **HCS** for **HB 73**, as amended, be taken up for third reading and final passage, which motion prevailed.

Senator Yeckel moved that the Senate recede from its position on **SS** for **HCS** for **HB 73**, as amended.

At the request of Senator Yeckel, 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 refuses to recede from its position on **HCS** for **SB 39**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences by closing the loophole that allows persistent drug offenders who are convicted of selling methamphetamine or other controlled substances near a school or public housing to be eligible for parole.

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 38**, entitled:

An Act to amend chapters 196 and 640, RSMo, by adding thereto twelve new sections relating to biotechnology.

With House Amendments Nos. 4, 5 and 6.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 38, Page 18, Section

196.1130, Line 22, by inserting after all of said line the following:

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

(1) **“Clone a human being” or “cloning a human being”, the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male;**

(2) **“Cloned human being”, a human being created by human cloning;**

(3) **“Public employee”, any person employed by the state of Missouri or any agency or political subdivision thereof;**

(4) **“Public facilities”, any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;**

(5) **“Public funds”, any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state, or local taxes, gifts, or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.**

2. No person shall knowingly clone a human being or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to clone a human being.

4. No person shall knowingly use public facilities to clone a human being or attempt to clone a human being.

5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.

6. Any person who violates the provisions of subsections 2 to 5 of this section is guilty of a class B felony.

7. The laws of this state shall be interpreted and construed to acknowledge on behalf of a cloned human being at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, subject only to the Constitution of the United States and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state.”; 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. 38, Page 1, Section 196.1100, Line 17, by deleting the words “**state treasurer**” and inserting in lieu thereof the following: “**office of administration**”; and

Further amend said bill, in the 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. 38, Page 12, Section 196.1121, Line 23, by inserting after the word “**policy.**” the following: “**State of Missouri and**”; and

Further amend said page, Line 24, by inserting after the word “**awards**” the following: “**, through negotiations between the parties,**”.

In which the concurrence of the Senate is respectfully requested.

Also,

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

House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 199**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 199**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 38**, as amended, and request the House to recede from its position and take up and pass **SCS** for **SB 38**, which motion prevailed.

Senator Shields moved that the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be allowed to exceed the differences in Section 43.540, subsection 3, subdivision (2), by adding after the word “provider” “if a national criminal record review is requested”, which motion prevailed.

Senator Cauthorn moved that **SS** for **HCS** for **HB 138**, as amended, be taken up for third reading and final passage, which motion prevailed.

Senator Cauthorn moved that the Senate recede from its position on **SS** for **HCS** for **HB 138**, as amended, which motion prevailed.

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

YEAS—Senators

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

Yeckel—29

NAYS—Senators—None

Absent—Senators

Goode Quick—2

Absent with leave—Senators

DePasco Klindt Scott—3

The President declared the bill passed.

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

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

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

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 39**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 39

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 39, with House Amendments Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 39, as amended;
2. That the Senate recede from its position on Senate Bill No. 39;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 39, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- | | |
|---------------------|------------------------|
| /s/ John Cauthorn | /s/ Robert Mayer |
| /s/ Anita Yeckel | /s/ Steve Hobbs |
| /s/ Jon Dolan | /s/ Jack A. L. Goodman |
| /s/ Charles Wheeler | /s/ Gary Kelly |
| /s/ Jim Mathewson | /s/ Rachel Bringer |

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators

DePasco	Klindt	Scott—3
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On motion of Senator Cauthorn, **CCS** for **HCS** for **SB 39**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 39

An Act to repeal sections 195.211, 195.214, 195.218, 195.417, and 650.105, RSMo, and to enact in lieu thereof nine new sections relating to methamphetamine, with penalty provisions.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators

DePasco	Klindt	Scott—3
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The President declared the bill passed.

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

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

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

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

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

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

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

Was taken up.

Senator Shields assumed the Chair.

Senator Russell moved that **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, be adopted.

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

Senator Russell moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SS** for **SCS** for **SB 2**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle moved that **SB 184**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 184**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 184

An Act to repeal sections 43.500, 43.503,

43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922, 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and 630.170, and to enact in lieu thereof twenty-three new sections relating to criminal records, with penalty provisions.

Was taken up.

Senator Bartle moved that **HS** for **HCS** for **SB 184**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Goode	Vogel—2
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Absent with leave—Senators

DePasco	Klindt	Scott—3
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On motion of Senator Bartle, **HS** for **HCS** for **SB 184**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

DePasco Klindt Scott—3

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Kinder moved that **SB 12**, with **HCS**, be taken up for third reading and final passage, which motion prevailed.

HCS for SB 12, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 12

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to prohibition of interference with the free exercise of religion.

Was taken up.

President Maxwell assumed the Chair.

Senator Kinder moved that **HCS for SB 12** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Russell—1

Absent with leave—Senators

DePasco Klindt Scott—3

On motion of Senator Kinder, **HCS for SB 12**, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

DePasco Klindt Scott—3

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**CONFERENCE COMMITTEE
APPOINTMENTS**

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has reappointed the conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended. Representatives: Hanaway, Wright, Stevenson, Wilson 42 and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 327**, as amended. Representatives: Lipke, Schlottach, Crawford, Green 15 and Daus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HB 208** and has taken up and passed **SS** for **SCS** for **HB 208**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 675** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 675**. Representatives: Cooper 120, Icet, Goodman, Zweifel and Hilgemann.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HS** for **HCS** for **HB 121** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 121**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HB 598** and has taken up and passed **SS** for **SCS** for **HB 598**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended for **HCS** for **HB 688** 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 conferees on **SS** for **HS** for **HCS** for **HBs 679** and **396**, as amended, be granted further conference and that the conferees be allowed to exceed the differences by allowing them to add in Section 43.540(5)(3)(2), after the word “provider”, the words” if a national criminal record review is requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 675**, as amended: Senators Gross, Goode, Russell, Dougherty and Shields.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS No. 2** for **SB 695**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 695

The Conference Committee appointed on

House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, as amended;

2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Bill No. 695;

3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute No. 2 for Senate Bill No. 695, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Carl Bearden

/s/ Charles R. Gross /s/ Chuck Purgason

/s/ John T. Russell /s/ Sam Page

/s/ Charlie Shields /s/ Brad Lager

Patrick Dougherty Marsha Campbell

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

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

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 688**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HB 198**, as amended: Senators Nodler, Bartle, Shields, Caskey and Kennedy.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 688**, as amended: Senators Kinder, Yeckel, Vogel, Wheeler and Coleman.

CONFERENCE COMMITTEE REPORTS

Senator Goode moved that the conference committee report on **HS** for **SS No. 2** for **SB 695**, as amended, be taken up, which motion prevailed.

Senator Goode moved that the conference committee report be adopted.

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

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 675**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 675

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, with House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, as amended;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 675;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 675, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Charles R. Gross /s/ Shannon Cooper

/s/ Wayne Goode /s/ Allen Icet

/s/ John T. Russell /s/ Jack A. L. Goodman

/s/ Pat Dougherty /s/ Robert Hilgemann

/s/ Charles Shields /s/ Clint Zweifel

Senator Gross 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	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland Loudon—2

Absent with leave—Senators

DePasco Klindt Scott—3

On motion of Senator Gross, **CCS** for **HCS** for **SCS** for **SB 675**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 675

An Act to repeal sections 33.080, 166.300, 339.105, and 374.150, RSMo, and to enact in lieu thereof five new sections relating to certain special funds, with penalty provisions and an emergency clause.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Kennedy—2

Absent with leave—Senators

DePasco Klindt Scott—3

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
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

DePasco Klindt Scott—3

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

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SBs 361, 103, 156, and 329**, as amended, and grants the Senate a conference

thereon, and the conferees to exceed the differences by adding a provision to allow a vote on the expansion of a sewer district and to provide notice to the owners of the expansion.

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 **SS** for **SCS** for **SBs 361, 103, 156 and 329**, as amended. Representatives: Townley, Guest, Schlottach, McKenna and Wagner.

Also,

Mr. President: I am instructed by the House of Representative to inform the Senate that the House has taken up and passed **SS** for **SB 219**.

Emergency clause adopted.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 361, 103, 156, and 329**, as amended: Senators Steelman, Cauthorn, Clemens, Quick and Days.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1010, regarding Theodore Roosevelt High School, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1011, regarding Alice Johnson, Farmington, which was adopted.

Senator Kennedy offered Senate Resolution No. 1012, regarding Denise Bader, Ste. Genevieve, which was adopted.

Senator Vogel offered Senate Resolution No. 1013, regarding Joan M. Solomon, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1014, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Robert Wright, Tuscumbia, which was adopted.

COMMUNICATIONS

Senator Klindt submitted the following:

May 13, 2003

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

Dear Secretary Spieler:

Due to a personal medical emergency, I find it necessary to take temporary leave of the Senate at this time. Regarding SB 38 as amended, in my absence am designating Senator Peter Kinder to take control of the bill as sponsor.

Thank you.

Sincerely,

/s/ David G. Klindt

David Klindt

State Senator

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute No. 2 for Senate Bill No. 224, entitled:

AN ACT

To authorize the conveyance of property owned by the state in the County of Callaway to the City of Fulton, with an emergency clause.

I disapprove of Senate Committee Substitute No. 2 for Senate Bill No. 224. My reasons for disapproval are as follows:

The legal description in the bill of the easement to be conveyed is flawed. The correct legal description is included in House Committee Substitute for House Bill No. 93, which was also approved by the General Assembly during the 2003 session and which I signed into law on May 15, 2003.

For all of the above state reasons for disapproval, I am returning Senate Committee Substitute No. 2 for Senate Bill No. 224 without my approval.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 15, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 250, entitled:
AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

I disapprove of Senate Bill No. 250. My reasons for disapproval are as follows:

Language in this bill conflicts with language in House Committee Substitute for House Bill No. 97, which was also approved by the General Assembly during the 2003 session. Both bills aim to authorize certain counties to

consider approving a sales tax to generate revenue for certain county law enforcement services. This bill, however, fails to restrict the use of those funds to public law enforcement services only.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 250 without my approval.

Respectfully submitted,
BOB HOLDEN
Governor

INTRODUCTIONS OF GUESTS

On behalf of Senator Klindt, Senator Shields introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On behalf of Senators Gross and Dolan, the President introduced to the Senate, Olivia Penn and Tyler Morice, St. Charles County.

Senator Cauthorn introduced to the Senate, Sandra Redding, Downing.

Senator Gibbons introduced to the Senate, students from Robinson Elementary School, St. Louis County; and Spencer Robinson was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, May 16, 2003.

SENATE CALENDAR

SEVENTY-FIFTH DAY—FRIDAY, MAY 16, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS
SB 454-Coleman and
Dougherty, with SCS

SJR 4-Cauthorn

HOUSE BILLS ON THIRD READING

HB 697-Mayer, et al, with SCS
(Bartle)

HS for HB 267-Smith (118),
with SCS (Griesheimer)
HCS for HB 322

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)
HB 189-Parker, et al (Klindt/Vogel)
HS for HB 197-Johnson (47), with
SCS, SS for SCS & point of order
(pending) (Shields)
HCS for HB 288, with SCS (Shields)
HS for HCS for HB 321-
Wilson (130), with SS & SS for SS
(pending) (Loudon)

HB 444-Jackson, with SCS, SS for
SCS, SS for SS for SCS, SA 1
& SSA 2 for SA 1 (pending)
(Yeckel)
HS for HB 481-Crowell (Bartle)
HS for HCS for HB 564-Behnen,
with SCS (Yeckel)
HB 593-Deeken, et al (Loudon)

CONSENT CALENDAR

Senate Bills

Unofficial
Reported 2/10

SB 62-Caskey

Reported 3/13

SB 694-Klindt

SB 490-Dolan

Journal

House Bills

Reported 4/14

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

Copy

SENATE BILLS WITH HOUSE AMENDMENTS

SB 370-Foster, with HCS
SCS for SB 385-Scott,
with HCS
SB 470-Bartle, with HCS

SB 521-Gross, with HCS
SCS for SB 592-Foster, with HCS
SB 668-Cauthorn and Klindt,
with HS for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

<p>SCS for SB 11-Kinder and Scott, with HS for HCS, as amended</p> <p>SS for SCS for SB 36- Klindt/Steelman, with HCS, as amended (Further conference granted)</p> <p>SB 39-Cauthorn, et al, with HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SB 173-Quick, with HS for HCS, as amended</p> <p>SB 186-Cauthorn, with HCS (Senate adopted CCR and passed CCS)</p> <p>SCS for SB 246-Steelman, et al, with HS for HCS, as amended</p> <p>SS#2 for SCS for SBs 248, 100, 118, 233, 247, 341 & 420-Gross, with HS for HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SCS for SBs 299 & 40-Champion, et al, with HS, as amended (Senate adopted CCR and passed CCS)</p> <p>SS for SCS for SBs 361, 103, 156 & 329-Steelman, with HS, as amended</p> <p>SCS for SB 379-Champion, with HCS (Senate adopted CCR and passed CCS)</p> <p>SB 394-Bartle, with HCS, as amended (Senate adopted CCR and passed CCS)</p>	<p>SB 469-Bartle, with HS for HCS, as amended</p> <p>SB 552-Yeckel, with HCS (Senate adopted CCR#2 and passed bill)</p> <p>SCS for SB 675-Gross, et al, with HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SCS for SB 686-Russell, with HS for HCS, as amended (Senate adopted CCR and passed CCS)</p> <p>SS#2 for SB 695-Goode and Russell, with HS, as amended</p> <p>HB 198-Stevenson, et al, with SS, as amended (Nodler)</p> <p>HS for HCS for HB 228-Pearce, with SCS, as amended (Goode)</p> <p>HB 327-Lipke, with SS for SCS, as amended (Dolan)</p> <p>HB 412-Goodman, et al, with SS, as amended (Childers)</p> <p>HCS for HB 427, with SCS (Bartle) (House adopted CCR and passed CCS)</p> <p>HS for HB 470-Mayer, with SS for SCS, as amended (Bartle)</p> <p>HS for HCS for HBs 517, 94, 149, 150 & 342-Portwood, with SS for SCS, as amended (Gross)</p> <p>HCS for HB 613, with SCS, as amended (Bartle) (House adopted CCR and passed CCS)</p>
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HS for HB 668-Crawford, with SS
for SCS, as amended (Dolan)
(House adopted CCR
and passed CCS)

HS for HCS for HBs 679 &
396-Hanaway, with SS,
as amended (Shields)
(Further conference granted)
HCS for HB 688, with SCS,
as amended (Kinder)

Requests to Recede or Grant Conference

SS#2 for SS for SCS for
SB 2-Russell, with HS,
as amended
(Senate requests House
recede or grant conference)
SCS for SB 38-Klindt/Kinder, et al,
with HS for HCS, as amended
(Senate requests House
take up and pass the bill)

HCS for HB 73, with SS,
as amended (Yeckel)
(House requests Senate
take up and pass the bill)
SS for SCS for HB 286-Bearden,
with HPA 1 (Shields)
(House requests Senate
concur in HPA 1)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

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

SCR 18-Mathewson and
Steelman
SR 900-Mathewson