Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 10, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Know that I am with you and will keep you wherever you go, and will bring you back to this land; for I will not leave you until I have done what I have promised you." (Genesis 28:15)

Creator God, we know Your promises and trust what You have taught us. So we thank You for being in all that we do and pray that all that we do is in keeping with what You will for us to accomplish. 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 the Associated Press 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	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

Senator Gross assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 1160**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1160

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions for a certain section.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 1160** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

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.

SS for **SCS** for **SB 968**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968

An Act to repeal sections 168.104, 168.124, 168.126, 168.303, and 169.712, RSMo, and to enact in lieu thereof five new sections relating to teachers.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 968** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senators—None

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.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 1180**, with **SCS**, was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1027** and **SB 896**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1027** and **896**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1027 and 896

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-five new sections relating to the licensing of surety recovery agents, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 1027** and **896** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 896, Page 3, Section 374.702, Line 18, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said section and page, line 20, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said section and page, lines 31-34, by striking all of said lines; and

Further amend said bill, section 374.710, page

4, line 2 by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 3, by striking the opening bracket "**[**" and by striking the closing bracket "**]**"; and further amend said line by striking "374.695"; and further amend said section and page, lines 7-8, by striking "Newly licensed bail bond agents and general bail bond agents applicants shall not be issued a license unless they receive" and inserting in lieu thereof the following: "**An applicant for a bail bond and general bail bond agent license shall submit with the application proof that he or she has received**"; and

Further amend said section, page 5, line 34, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.735, page 7, line 8, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.755, page 8, line 4 by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said section, page 9, line 9, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 18 by striking "374.789" and inserting in lieu thereof the following: "**374.775**"**;** and further amend said page, line 20, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 27, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.757, page 11, line 2, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, Section 374.759, Page 12, Lines 12 to 14, by striking said lines and inserting in lieu thereof the following:

"**4. All Missouri licensed bail bond agents or licensed general agents shall be qualified, without further requirements, in all jurisdictions of this state, as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule.**"; and

Further amend said bill and page, Section 374.763, Lines 15 to 17, by striking said lines and inserting in lieu thereof the following:

"**3. All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirements, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule.**"; and

Further amend said bill, section 374.764, page 13, line 23, by inserting after all of said line the following:

"374.765. 1. Any person who practices as a bail bond agent or general bail bond agent, or who purports to be a bail bond agent, or general bail bond agent, as defined in section 374.700, without being duly licensed under sections 374.700 to 374.775 is:

(1) For the first such offense, guilty of an infraction;

(2) For the second and each subsequent offense, guilty of a class A misdemeanor.

2. Any licensed bail bond agent who knowingly violates the provisions of one or more of subdivisions (3), (4), (10), (11), **or** (12)**[**, (13), (14), or (15)**]** of subsection 1 of section 374.755 shall be guilty of a class B misdemeanor."; and

Further amend said bill, section 374.784, page 14, line 25, by inserting immediately after the word "service" the following: "**within the ten years prior to the application being submitted to the department**"; and

Further amend said bill, section 374.787, page 17, lines 24 and 25, by striking all of said lines and inserting in lieu thereof the following: "**(7) Having a license revoked or suspended that was issued by another state.**"; and

Further amend said bill, Page 18, Section 544.640, Line 10, by striking the word "ninety" and inserting in lieu thereof the following: "**sixty**";

and

Further amend said bill, section 544.640, page 19, Line 25, by inserting after the word "surety" the following: "**and the court agrees with the physically impossible conditions**"; and further amend line 29, by striking the word "two years" and inserting in lieu thereof the following: "**one year**"; and further amend said page, line 31, by striking "under the following conditions:"; and further amend said page, lines 32-38, by striking all of said lines and inserting in lieu thereof the following: "**if the surety surrenders**"; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle assumed the Chair.

Senator Bland offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 896, Page 4, Section 374.710, Line 8, by striking the word "**sixteen**" and inserting in lieu thereof of the word "**twenty-four**"; and further amend line 14, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**"; and further amend page 14, section 374.784, line 11, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**"; and further amend line 17, by striking the word "sixteen" and inserting in lieu thereof "**twenty-four**"; and further amend line 23, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**".

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

Senator Cauthorn moved that **SCS** for **SBs 1027** and **896**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SBs 1027** and **896**, as amended, was declared perfected and ordered printed.

At the request of Senator Steelman, **SB 988**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gross, **SB 1069**, **SB 1068**, **SB 1025**, **SB 1005** and **SB 1089**, with **SCS**, were placed on the Informal Calendar.

Senator Klindt moved that **SB 809**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 809**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 809

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

Was taken up.

Senator Klindt moved that **SCS** for **SB 809** be adopted.

At the request of Senator Klindt, **SB 809**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

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

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1521, regarding Louis P. Hamilton, St. Louis, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1522, regarding Michael H. Camp, Chesterfield, which was adopted.

Senator Childers offered Senate Resolution No. 1523, regarding Becky Stults, Verona, which was adopted.

Senator Yeckel offered Senate Resolution No. 1524, regarding Courtney Loechl, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1525, regarding Abbey E. Gradle, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1526, regarding Gene Williams, Sherwood, Arkansas, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SS** for **SB 718**; and **SCS** for **SBs 1020**, **889** and **869**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Shields moved that **SCR 37** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SCR 37** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dolan	Russell	Stoll—3

Absent with leave—Senators—None

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 715**, with **SCS**, **SS** for **SCS** and **SA 24** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 24 was again taken up.

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

Senator Childers offered **SS** for **SS** for **SCS** for **SB 715**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.343, 50.550, 50.740, 64.215, 64.825, 67.402, 67.793, 67.799, 67.1706, 67.1754, 115.124, 137.720, 190.044, 190.050, 190.051, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 204.455, 221.070, 247.110, 250.234, 260.830, 260.831, 304.010, 321.130, 321.180, 321.554, 321.556, 393.760, 488.447, 488.2275, 488.5026, 559.021, and 589.400, RSMo, and to enact in lieu thereof seventy-eight new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Senator Childers moved that **SS** for **SS** for **SCS** for **SB 715** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 149, Section 559.021, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following:

"**section 50.565, RSMo. No court may order the assessment and payment authorized by this section if the plea of guilty or the finding of guilt is to the charge of speeding or is to any charge which is a class C misdemeanor or an infraction. No assessment and payment ordered**

pursuant to this section may exceed three hundred dollars for any charged offense. Any".

Senator Jacob moved that the above amendment be adopted.

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

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 125-126, Section 221.070, by striking said section; and

Further amend said bill, Page 127, Line 7 of said page, by inserting after all of said line the following:

"221.070. **1.** Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, if he shall be convicted thereof, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. Every person who shall be committed to the common jail within any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, by lawful authority, for any offense or misdemeanor, if he or she shall be convicted thereof, may pay a fee upon being arrested and processed at the county jail. The amount of the processing fee shall be calculated annually by dividing the total amount of the salaries for employees of the county jail employed in the processing division by the total number of inmates processed during one year.".

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

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 65, Section 67.2530, Line 21, by inserting immediately after said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements **[**and**]** **for** the posting of bonds **[**regarding**]** **or** escrows for subdivision-related **[**regulations**]** **improvements** as provided for in subsections 2 to **[**4**]** **5** of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council **[**may accept a**]** **will accept, at the option of the developer, an escrow secured with cash, an escrow secured with an irrevocable letter of credit, or a surety** bond**, provided the surety**

bond must be issued by a surety bonding company with a bond rating reasonably acceptable to the city, town, or village and be otherwise reasonably acceptable to the city, town, or village [or escrow] in [an] **form and** amount [and with surety and other reasonable conditions, providing]**. The escrow or bond shall provide** for and [securing] **secure** the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the **escrow or** bond; provided that, the release of such escrow **or bond** by the city, town or village shall be as specified in this section. The council may enforce the **escrow or** bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that in the event a developer who has posted an escrow or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow or bond, the municipality will accept a replacement escrow from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow, the city, town, or village shall release the original escrow or bond in full and release the prior developer from all further obligations with respect to the subdivision improvements.**

4. The regulations shall provide that any escrow **or bond** amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. **The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection.** Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds **or bond amount** are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds **or bond amount** are hand delivered to an authorized person or place as specified by the owner or developer.

[4.**] 5.** If the city, town or village has not released the escrow funds **or bond amount** within thirty days as provided in this section **or provided a timely inspection of the improvements or utility work after request for such inspection**, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds **or bond amount** have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

[5.**] 6.** Nothing in this section shall apply to

performance, maintenance and payment bonds required by cities, towns or villages.

[6.**]** **7.** Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. This section shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 138, Section 321.180, Line 20, of said page, by inserting immediately after said line the following:

"321.552. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants**[**; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants**]**, the governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

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

"Shall ..... (insert name of ambulance or fire protection district) impose a sales tax of ..... (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the ..... (insert name of ambulance or fire protection district) and the total property tax levy on properties in the ..... (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

[ ] Yes **[ ]** No

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

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in

this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

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

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

Further amend said bill, page 139, section 321.554, line 1 of said page, by striking the following: "; or any county with"; and further amends lines 2-3 of said page, by striking all of said lines; and further amend line 4 of said page, by striking the following: "inhabitants"; and

Further amend said bill, page 141, section 321.556, line 14 of said page, by striking the following: "; or any county with"; and further amends lines 15-16 of said page, by striking all of said lines; and further amend line 17 of said page, by striking the following: "inhabitants"; and

Further amend the title and enacting clause accordingly.

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

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 127, Section 204.455, Line 7 of said page, by inserting immediately after said line the following:

"229.340. **1.** Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay

a fee in an amount determined by the county commission by order of record, **[**not to exceed the sum of three dollars for each such application,**]** which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

2. The special use permit fees imposed by the county shall be calculated and administered using the criteria outlined in sections 67.1840 and 67.1842, RSMo, for the imposition of right-of-way permit fees. The special use permit fee shall not be imposed on a public utility right-of-way user for uses governed by the provisions of sections 67.1830 to 67.1846, RSMo."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 126-127, Section 204.455, of said page, by striking said section from the bill; and

Further amend said bill, Pages 127 & 128, Section 247.110, by striking said section from the bill; and

Further amend said bill, Pages 128 & 129, Section 250.234, by striking said section from the bill and inserting in lieu thereof the following:

"247.040. 1. Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or owners of real property within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily newspaper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time

to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter or owner of real property in the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict, except as provided in section 247.060. If no qualified person who lives in the subdistrict is willing to serve on the board, the court may appoint, or the voters may elect, an otherwise qualified person who lives in the district but not in the subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district

be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a public water supply district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decrees relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the voters of the district voting on such proposition.

10. All initial easement recording fees necessary to establish a water district created after the effective date of this section shall be payable at such time when the district is awarded grants or loans necessary for the construction of such district.

250.055. All initial easement recording fees necessary to establish a sewer district created after the effective date of this section shall be payable at such time when the district is awarded grants or loans necessary for the construction of such district."; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 112, Section 190.250, Line 28 of said page, by inserting after all of said line the following:

"190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

(1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;

(2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;

(3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;

(4) "Governing body", the legislative body for a city, county or city not within a county;

(5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;

(6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;

(7) "Service supplier", any person providing exchange telephone services to any service user in this state;

(8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;

(9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;

(10) "Wireless service supplier", any person providing wireless telephone services to any wireless service user in this state;

(11) "Wireless service user", any person

who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not within a county a ballot containing either of the three proposals pursuant to subdivisions (1), (2), or (3) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact more than one provision of subdivisions (1), (2), or (3) of this subsection, whether in simultaneous elections or by separate elections. The taxes authorized pursuant to this subsection shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329; any tax adopted pursuant to sections 190.325 to 190.329 shall be repealed if any tax authorized pursuant to this subsection is adopted. If the governing body so chooses, by a majority vote of its members, it may submit:

(1) A proposition to the qualified voters of the county or a city not within a county to levy a tax for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. The tax rate in the proposition to the voters per device which has an assigned mobile identification number containing an area code assigned to Missouri shall be as follows: If the average wired rate is greater than eighty cents, one dollar; if the average wired rate is greater than twenty cents but less than eighty-one cents, twenty-five cents; if the average wired rate is less than twenty-one cents, twelve cents. For the purpose of this subdivision, the term "wired rate" means the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305;

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to sixty cents per access line per month for wired telephone services in such county or a city not within a county. The taxes authorized pursuant to this subdivision shall not exceed sixty cents and shall be equal to one another; or

(3) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan administrator in such county or a city not within a county.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and shall include for reimbursement of the actual cost of providing wireless enhanced 911 services by the wireless service provider, but shall not exceed an amount equal to a maximum rate of twenty-five percent of the total tax collected from the wireless subscriber. Reimbursement to the wireless service provider for the actual cost

includes services as defined by the Federal Communications Commission orders and 47 CFR 20.18(d). Those services shall include hardware and software components and functionalities that precede the 911 selective router, including trunks from the wireless service provider's mobile switching center to the 911 selective router, and the particular database, interface devices, and trunks needed to deliver data to the public safety answering point. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wire line or wireless service in accordance with the regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

9. Beginning three years after the enactment of this section, and biennially thereafter, the office of administration, division of information services, shall review, over a period of three months, the adequacy of, inadequacy of, or surplus produced by revenue generated from the levy intended to meet the actual costs to the county and the wireless service provider for 911 services as established in sections 190.300 to 190.312, 190.335 and 190.430, and sections 650.320 and 650.330, RSMo. The review shall result in a report to the governor, general assembly, and the local governing authority. The report shall include, but not be limited to: an analysis of the total revenue; the revenue apportioned to the county and to the carrier for providing services; the costs to the county for providing services; a review of the carrier's billings and compliance with areas of reimbursement recovery as it is defined in subsection 2 of this section; and make recommendations, including but not limited to, increasing or decreasing the levy to reflect costs.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone

services."; and

Further amend said bill, Section 190.306, Page 114, Line 14 of said page, by inserting after all of said line the following:

"190.310. 1. The **[**tax**]** **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due **[**quarterly**]** **monthly**. The amount of **[**tax**]** **taxes** collected in one **[**calendar quarter**]** **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than **[**sixty**]** **thirty** days after the close of a **[**calendar quarter**]** **month**. On or before the **[**sixtieth**]** **thirtieth** day of each **[**calendar quarter**]** **month** following, a return for the preceding **[**quarter**]** **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the **[**tax**]** **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return shall deliver the return, together with a remittance of the amount of the **[**tax**]** **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the **[**tax**]** **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. **Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.**

4. Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.

5. For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.

7. When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties

in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Cost for administering such programs created pursuant to this section shall be paid from the 911 emergency services fund.

3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.

4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.

5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.

6. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.

7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.

8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.

9. 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, 2004, shall be invalid and void.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

190.335. 1. In lieu of the tax levy authorized under section **190.304 or** 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a county sales tax of ..... (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

[ ] YES **[ ]** NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

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

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the

board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

190.430. **[**1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, 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 July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with

billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.**]** Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct."; and

Further amend said bill, Page 153, Section 644.583, Line 17 of said page, by inserting after all of said line the following:

"650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "911", the primary emergency telephone number within the wired and wireless telephone system;

[(1)**] (2)** "Committee", the advisory committee for 911 service oversight established in section 650.325;

[(2)**] (3)** "Public safety answering point", the location at which 911 calls are initially answered;

[(3)**] (4)** "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

(3) One member chosen to represent emergency medical services;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to

municipalities;

(9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;

(12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;

(13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

(1) Organize and adopt standards governing the committee's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; **[**and**]**

(9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;

(10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of

implementing comprehensive statewide 911 services; and

[(9)**] (11)** Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, 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, 1999, shall be invalid and void."; and

Further amend said bill, Page 182, Section 192.250, Line 9 of said page, by inserting after all of said line the following:

"**[**190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) "911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) "Public safety answering point", the location at which 911 calls are initially answered;

(5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).**]**

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is

established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.**]**

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.**]**

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any

subsequent special election called by the governor on the ballot measure, until such measure is approved.

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

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[ ] YES **[ ]** NO

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

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.**]**"; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 144, Section 393.760, Line 22, by inserting at the end of said line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit. **[**Notwithstanding the foregoing provisions

of this subsection, in any city with a population of over four hundred thousand with full-time municipal judges who are subject to a plan of merit selection and retention, such municipal judges and court personnel of the municipal divisions shall not be subject to court management and case docketing in the municipal divisions by the presiding judge or the rules of the circuit court of which the municipal divisions are a part.**]**

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge."; and

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

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

Senator Cauthorn offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 142, Section 321.556, Line 11, by inserting after all of said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any **[**sewer**] water** corporation, municipality **providing water,** or **[**sewer**] any water** district established under the provisions of chapter **[**249 or 250**] 247**, RSMo, **[**or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer**] shall, upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider**.

2. [A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.] **Any water provider, or independent contractor acting for such water provider, disconnecting water service to collect a delinquent sewer charge at the request of a sewer provider pursuant to a water termination agreement made pursuant to this section shall be immune from civil liability for damages or costs resulting from disconnection.**

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by such commissioners or entered into under the provisions established in this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide the number of delinquent days required before water service may be discontinued for failure to pay incurred sewer charges. Such period of time shall be equal to the number of delinquent days required before water service is discontinued for failure to pay incurred water charges as set by the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the incurred charges or rental due unless the sewer provider shall first provide written notice to the water provider requesting discontinuation of service. The notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of the delinquent amount is received by the water provider, water service shall be restored to the user;

(3) All reasonable expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider;

(4) The sewer provider shall hold the water provider, or any independent contractor who performs or carries out such agreement under contract with the water provider, harmless as a result of the agreement between the sewer provider and water provider or as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor arising in any way from such agreement;

(5) The expense and cost of the water provider shall be recalculated annually, providing for annual increases or decreases in the National Consumers Price Index for All Urban Consumers (CPI-U), unadjusted for seasonal variation, as published by the United States Department of Labor. The amount due the water provider during the subsequent year shall be increased or decreased according to any change occurring in such costs and expenses;

(6) When a water provider is collecting delinquent amounts for both water and sewer

service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided equally between the water provider and the sewer provider.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. Such two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all such evidence and information submitted to them and prepare such agreement as provided herein. Said agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as herein provided.

7. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective sixty days after the date of such judgment. If such agreement does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.

393.016. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice

and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 128, Section 247.110, Line 20, by inserting after all of said line the following:

"250.140. 1. **The consumer or person who contracted for the supply of** sewerage services or water and sewerage services combined shall be **[**deemed to be furnished to both the occupant and owner of the premises receiving**] liable for** such **[**service**] services** and the city, town or village or sewer district rendering such services shall have power to sue **[**the occupant or owner, or both,**] such person** 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 sent 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.**] In cases where the premises receiving such services are provided to individuals living in a multi-family dwelling or unit or any other leasehold in which such services are billed or measured by a master meter, the owner of such premises shall be liable for such services and the city, town or village or sewer district rendering such services shall have power to sue such owner 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. Nothing in this subsection shall prevent the owner of such premises from pursuing a civil action to recover any sums owed to the owner from any occupant.**";and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 113, Section 190.306, Line 8 of said page, by inserting after all of said line the following:

"**190.331. Notwithstanding the provisions of section 70.600, RSMo, to the contrary, a joint municipal public safety communications center shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, RSMo, and employees of a joint municipal**

public safety communications center shall be eligible for membership in the Missouri local government employees' retirement system upon the joint municipal public safety communications center becoming an "employer" as defined in subdivision (11) of section 70.600, RSMo."; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 153, Section 644.583, Line 17, of said page, by inserting immediately after said line the following:

"701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule; and

(2) The inspection or risk assessment occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

(5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

3. The director shall assess fees for licenses and accreditation **and levy fines** in accordance with rules promulgated pursuant to sections 701.300 to **[**701.330**] 701.338**. All such fees **and fines** shall be deposited into the state treasury to the credit of the public health services fund established in section 192.900, RSMo.

4. In commercial lead production areas where the department of health and senior services determines that an individual, who resides in a single family dwelling and the owners use it as their primary residence, has an elevated blood lead level that is due directly to lead paint, the owner of the dwelling shall make a good faith effort to abate the lead paint as directed by the department. Upon completion of such good faith efforts to abate the lead paint, the owner of the dwelling shall not be subject to any fines issued pursuant to this section.

701.305. The department of health and senior services shall provide on its Internet website educational information that explain

the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspectors, risk assessors, and the lead abatement contractors.

701.308. 1. Upon receipt of written notification of the presence of a lead hazard, the owner shall comply with the requirement for abating or establishing interim controls for the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling or child-occupied facility is a rental or leased property, the owner may remove it from the rental market.

2. Except as provided in subsection 1 of this section, no tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the dwelling owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law.

3. No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.

4. **A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, is authorized to re-enter a dwelling or child-occupied facility to determine if the required actions have been taken that will result in the reduction of lead hazards. If consent to enter is not granted, the representative of the department, local government, or local health department may petition the court for an order to enter the premises. The court shall grant the order upon a showing that the representative of the department, local government, or local health department has attempted to notify the dwelling's owner or adult occupant in writing of the time and purpose of the re-entry at least forty-eight hours in advance.**

5. [Whenever**] Upon re-entry, if** the department**[**,**] or a** representative of a unit of local government**[**,**]** or local health department licensed by the department for this purpose, finds**[**, after providing written notification to the owner,**]** that **the owner has not taken the** required actions which **[**will result**] have resulted** in the reduction of **[**a**]** lead **[**hazard in a dwelling or child-occupied facility have not been taken**] hazards**, the owner shall be deemed to be in violation of sections 701.300 to 701.338. Such violation shall not by itself create a cause of action. The department or the local government or local health department shall:

(1) Notify in writing the owner found to be causing, allowing or permitting the violation to take place; and

(2) Order that the owner of the dwelling or child-occupied facility shall cease and abate causing, allowing or permitting the violation and shall take such action as is necessary to comply with this section and the rules promulgated pursuant to this section.

[5.**] 6.** If **[**no action is taken pursuant to subsection 4 of this section which would result in abatement or interim control of the lead hazard within the stated time period**]**, **upon re-entry, the lead hazard has not been reduced,** the following steps may be taken:

(1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling or child-occupied facility until the owner complies with the notice; or

(2) The department**[**,**] or** representative of a unit of local government or health department licensed by the department for this purpose, **[**shall**]**

may report any violation of sections 701.300 to 701.338 to the prosecuting attorney of the county in which the dwelling or child-occupied facility is located and notify the owner that such a report has been made. The prosecuting attorney shall seek injunctive relief to ensure that the lead hazard is abated or that interim controls are established.

7. In addition to the injunctive relief provided in subdivision 2 of subsection 6 of this section, the court may impose a fine against the owner of the dwelling or child-occupied facility found to be in violation of any provision of sections 701.300 to 701.338, RSMo. The amount of such fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed ten thousand dollars. The fine shall not be less than five thousand dollars if said owner has failed to reduce identified lead hazards upon a showing that:

(1) Said property owner has been notified that an occupant or child less than six years of age dwelling in his property has an elevated blood lead level pursuant to section 701.306;

(2) That re-entry by the department under subsection 5 of this section revealed that the required actions to reduce the lead hazards were not taken; and

(3) Another occupant or child less than six years of age dwelling in his property is identified with an elevated blood lead level.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

(1) Submit to the department a written notification as prescribed by the department; and

(2) Pay a notification fee of twenty-five dollars.

2. **In addition to the specified penalties in section 701.320, failure to notify the department prior to the onset of a lead abatement project shall result in a fine levied by the department of one thousand dollars imposed against the lead abatement contractor for the first identified offense, two thousand dollars for the second identified offense, and thereafter, fines shall be doubled for each identified offense.**

3. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the department's Internet website.

4. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and

(2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

5. Upon completion of the abatement, the lead abatement contractor shall submit to the department written notification and the final clearance inspection report.

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the director for the performance of any act the notice requires;

(4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;

(5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

4. **In the event the department is required to revisit an abatement project, either because a contractor is not present for the notification visit referenced in section 701.309, RSMo, or because the contractor is found in violation of a provision of sections 701.300 to 701.338, RSMo, or any regulation promulgated thereunder, the lead abatement contractor shall pay a fee of one hundred and fifty dollars per re-visit.**

5. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

[5.**]** **6.** The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city, county or department, institute appropriate proceedings for correction.

[6.**]** **7.** When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

8. In addition to any other penalty provided by law, the department may assess a fine in a maximum amount not to exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the department who violates a provision of sections 701.300 to 701.338, or any rule promulgated thereunder. In the cases of a continuing violation, every day such violation continues shall be deemed a separate violation.

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors.

The director shall promulgate rules and regulations including, but not limited to:

(1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;

(2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;

(3) Fees for any such licenses;

(4) Training, education and experience requirements; and

(5) The implementation of work practice standards, reporting requirements and licensing standards.

2. **[**The director shall issue temporary risk assessor licenses to persons who, as of August 28, 1998, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.**]** **The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable. The licensee or applicant may provide proof of liability insurance in an amount to be determined by the director which shall not be less than three hundred thousand dollars.**

701.313. 1. Any local community organization, government agency, or quasi-government agency issuing grants or loans for lead abatement projects must provide written notification to the department no later than ten days prior to the onset of a lead abatement project. The written notification shall include, but not be limited to, the name of the lead abatement contractor, the address of the property on which the lead abatement project shall be conducted, and the date on which the lead abatement project will be conducted.

2. If the local community organization, government agency, or quasi-government agency fails to provide written notification for each property pursuant to subsection 1 of this section, a fine of two hundred fifty dollars shall be levied by the department.

3. If the local community organization, government agency, or quasi-government agency is unable to comply with the requirements in subsection 1 of this section due to an emergency situation, as defined by the department, the local community organization, government agency, or quasi-government agency shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the lead abatement project; and

(2) Provide written notification to the department no later than five days after the onset of the lead abatement project.

701.320. **1.** Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any subsequent violation of the provisions of sections 701.308, 701.309, 701.310, 701.311, and 701.316 is a class D felony.

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. **The department of health and senior services and the department of social services, in collaboration with related not-for-profit**

organizations, American Academy of Pediatrics, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning by August 28, 2008. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

4. The department of social services shall seek Medicaid waivers for the funding of lead prevention cleaning treatments and lead hazard reduction measures in the properties of Medicaid recipients. The department shall coordinate with the department of health and senior services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted for the purpose of identifying lead hazards in properties.

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. **The department of social services, in collaboration with the department of health and senior services, shall ensure that all children six months through six years of age who are in foster care in geographic areas identified as high risk by the department are tested annually for lead poisoning. The costs of the testing shall be paid through the state Medicaid program. If a child who is in foster care and resides in a high risk area is not eligible for Medicaid, the costs of the testing shall be paid by the state.**

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.**]** **7.** When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as

determined by the director, who are residing or have recently resided in the household of the lead-poisoned child."; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 149, Section 559.021, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following:

"**section 50.565, RSMo. No court may order the assessment and payment authorized by this section if the plea of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving, any charge of violating a traffic control signal or sign, or any charge which is a class C misdemeanor or an infraction. No assessment and payment ordered pursuant to this section may exceed three hundred dollars for any charged offense. Any**".

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

Senator Childers moved that **SS** for **SS** for **SCS** for **SB 715**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SS** for **SCS** for **SB 715**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 1020**, **889** and **869**; and **SS** for **SS** for **SB 718** to the Committee on Governmental Accountability and Fiscal Oversight.

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 **SCS** for **SBs 1027** and **896**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 10, 2004

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
SECOND REGULAR SESSION
STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No.1003 entitled:

AN ACT

To repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

On March 10, 2004, I approved said Senate Committee Substitute for Senate Bill No. 1003.

Respectfully submitted,
BOB HOLDEN
Governor

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Abriana Andrews and her mother, Crystal Adamson, Seneca; and Jerri Sargent and Gary Duncan, Joplin.

Senator Wheeler introduced to the Senate, Jim Berry, Tom Brown, Todd Wilhelmus, Joe Bianco, Mike McDonald, Marty Gibson and St. Elizabeth Pack 150 Webelos, Kansas City; and Jacob Berry, Brian Brown, Garrett Wilhelmus, Tim Bianco, Jacob McDonald, Matthew Gibson, Chris Wallace, Michael Burrell, B.J. Shroeder, Dan Tapko, Luke Livers, Alex Tomlinson, Jack Shepherd, Jack Ritz and Charlie Doering were made honorary pages.

Senator Champion introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Springfield.

Senator Champion introduced to the Senate, Linda Loewenstein, St. Louis.

Senator Kennedy introduced to the Senate, Pat King, Farmington.

Senator Shields introduced to the Senate, Myron and Angela Unruh, and their sons, Seth and Mark, Platte County; and Seth and Mark were made honorary pages.

On behalf of Senators Bray, Griesheimer, Stoll and herself, Senator Coleman introduced to the Senate, Lee Fetter, Webster Groves; Dena Ladd, Ladue; Jeff Herbig, Cedar Hill; Diana Kraus, Eureka; and Todd Sklamberg, Wildwood.

Senator Bray introduced to the Senate, Ricki McGuire, Brentwood.

Senator Yeckel introduced to the Senate, Julie Huss, St. Louis County.

Senator Nodler introduced to the Senate, his wife Joncee, and Paulette Mitchell, Donald Lowe and Billy Mitchell, Joplin; and Denise and Don Jessen, Neosho.

Senator Yeckel introduced to the Senate, Debbie Virtue and her children, Debbie and Jacob; Homeschoolers from St. Louis County.

Senator Wheeler introduced to the Senate, Donna Gentry, Karen Converse, Barbara Pfaff, Joy Hays, Sharon Vickers, Kathy Fetters and representatives of Kansas City Hospice, Kansas City.

Senator Russell introduced to the Senate, David Hall, Plato.

Senator Caskey introduced to the Senate, Tim and Sheri English and their children, Isaiah, Daniel and Deborah, Homeschoolers from Pleasant Hill.

Senator Caskey introduced to the Senate, Pamela Walden and her children, Hannah and Joshua, Homeschoolers from Raymore; and Hanna and Joshua were made honorary pages.

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

SENATE CALENDAR

THIRTY-SEVENTH DAY–THURSDAY, MARCH 11, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 895
HB 923-Holand and Fraser
HCS for HB 955
HB 960-Roark
HB 932-Bivins and Villa
HB 989-Barnitz and Kuessner
HB 1070-Miller, et al
HB 1071-Goodman
HB 1107-Crawford, et al
HB 1126-Seigfreid, et al
HB 1149-May, et al
HCS for HB 1198
HCS for HB 833
HB 938-Luetkemeyer
HCS for HB 947
HB 975-Johnson (47), et al

HCS for HBs 998 & 905
HB 1047-Guest and Bivins
HB 1275-Wilson (130), et al
HCS for HB 1209
HB 801-Smith (118)

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al
(In Fiscal Oversight)
SCS for SBs 1020, 889 & 869-Steelman, et al
(In Fiscal Oversight)
SCS for SBs 1027 & 896-Cauthorn

SENATE BILLS FOR PERFECTION

SB 1232-Clemens, et al, with SCS
SB 1081-Kinder, et al, with SCS
SB 1141-Loudon, with SCS
SB 960-Gibbons, with SCS
SBs 1233, 840 & 1043-Dolan, with SCS
SB 710-Goode and Bray, with SCS
SB 1220-Caskey, with SCS
SBs 738 & 790-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)
HB 969-Cooper, et al (Bartle)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS
SB 809-Klindt, with SCS (pending)
SB 856-Loudon, with SCS
SB 933-Yeckel, et al
SB 988-Steelman, with SCS
SB 989-Gross, et al, with SCS (pending)
SB 990-Loudon, with SCS
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS
SB 1122-Shields, with SCS & SS for SCS (pending)
SB 1138-Bartle
SB 1180-Shields and Kinder, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt
SB 1093-Gibbons and Yeckel, with SCS
SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, with SCS
SB 1172-Gibbons, et al, with SCS
SB 1007-Goode, et al
SB 962-Clemens, with SCS
SB 992-Cauthorn, with SCS
SB 1177-Klindt, with SCS
SB 900-Goode, with SCA 1
SB 945-Gibbons, with SCS
SB 1087-Days, et al
SB 1086-Cauthorn
SB 1078-Loudon, with SCS
SB 883-Klindt
SB 966-Shields
SB 757-Shields, with SCS
SB 771-Bray, with SCS
SB 772-Bray and Griesheimer
SB 788-Childers, with SCS
SB 845-Yeckel, with SCS
SB 894-Goode
SB 899-Goode
SB 956-Scott, with SCS
SB 1225-Dougherty, et al, with SCS
SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2
SB 1212-Wheeler and Russell, with SCS
SB 1243-Wheeler
SB 1253-Mathewson, et al, with SCS
SBs 1085 & 800-Foster, et al, with SCS
SB 884-Klindt
SB 768-Nodler
SB 1111-Klindt
SB 1064-Scott and Clemens
SB 974-Dougherty, with SCS
SB 1130-Scott
SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS
SB 1249-Champion
SB 824-Griesheimer
SB 1112-Clemens

SB 1257-Days and Foster
SB 1133-Foster, et al
SB 1230-Clemens and Griesheimer
SB 1188-Loudon, with SCS
SB 1074-Coleman, with SCS
SB 1181-Yeckel, with SCS
SB 1250-Scott, with SCS
SB 1084-Foster, with SCS
SB 1165-Russell
SB 1274-Shields
SB 1047-Kennedy
SB 1142-Dolan, with SCS
SB 1083-Kennedy and Dougherty
SB 1262-Dolan, with SCS
SB 1299-Loudon
SB 1215-Griesheimer, with SCS
SB 1235-Loudon, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

T