

# Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY—WEDNESDAY, MAY 5, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“I am the Lord;...I will not leave you until I have done what I have promised you.” (Genesis 28:13a, 15b)

Gracious God, we began this day in prayer and we continue now to ask You to be with us and watch over us as hours here lengthen and time left for us to act shortens. And we pray for former Senator Wiggins as he goes through probable surgery, give wisdom to the doctors and skill to those who care for him and touch him with Your healing presence. 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.

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

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1879, regarding Angela M. Farrar, which was adopted.

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HB 978**, as amended. Representatives: St. Onge, Baker, Byrd, Seigfreid and Skaggs.

Also,

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

**SB 1091**, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to community colleges.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1012**, entitled:

An Act to repeal sections 139.031, 140.340, and 140.730, RSMo, and to enact in lieu thereof three new sections relating to the collection of taxes, with an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 942, 850 and 841**, entitled:

An Act to authorize the governor to convey certain tracts of state property, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 945, SB 803 and SB 1257**, entitled:

An Act to repeal sections 160.261, 210.145, and 211.031, RSMo, and to enact in lieu thereof four new sections relating to school-age children,

with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

## HOUSE BILLS ON THIRD READING

**HB 1613**, introduced by Representative Morris, et al, **HB 1445**, introduced by Representative Mayer, **HB 1454**, introduced by Representative Swinger, et al, **HB 1462**, introduced by Representative Bean, et al, **HCS** for **HB 1471, HB 1608**, introduced by Representative Dougherty, **HB 1612**, introduced by Representative Bringer and **HB 1635**, introduced by Representative Salva, with **SCS**, entitled respectively:

An Act to authorize the conveyance of property in the county of Greene owned by the board of governors of Southwest Missouri State University, with an emergency clause.

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Dexter.

An Act to authorize the conveyance of property owned by the state in the county of Pemiscot to the city of Caruthersville.

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Bernie.

An Act to authorize the conveyance of property owned by the state in the county of Jackson to the Truman Medical Center.

An Act to authorize the conveyance of property owned by the state in the county of Jackson.

An Act to authorize the conveyance of property owned by the state in the county of Marion to the city of Hannibal.

An Act to authorize the conveyance of

property owned by the state in the county of Jackson.

Were called from the Consent Calendar and taken up by Senator Champion.

SCS for **HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1613  
HOUSE BILL NO. 1445  
HOUSE BILL NO. 1454  
HOUSE BILL NO. 1462  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1471  
HOUSE BILL NO. 1608  
HOUSE BILL NO. 1612  
AND HOUSE BILL NO. 1635

An Act to authorize the conveyance of property, with an emergency clause for a certain section.

Was taken up.

Senator Champion moved that **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635** be adopted.

Senator Foster requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1613, House Bill No. 1445, House Bill No. 1454, House Bill No. 1462, House Committee Substitute for House Bill No. 1471, House Bill No. 1608, House Bill No. 1612 and House Bill No. 1635, Page 3, Section 4, Line 6-18, by striking said lines and inserting in lieu thereof the following:

**“All that part of the northwest quarter of the southwest quarter of Section Three (3), Township Twenty-three (23) north, Range Ten**

**(10) east described by metes and bounds as follows:**

**Beginning at a point twenty-five (25) feet west of and six hundred thirty four and five tenths (634.5) feet south no degrees and forty three minutes west of the northeast corner of the northwest quarter of the southwest quarter of Section Three (3) aforesaid; thence south no degrees and forty three minutes west two hundred forty-eight (248) feet; thence west four hundred thirty nine and eighty five hundredths (439.85) feet; thence north two hundred forty-eight (248) feet; thence east four hundred forty-three (443) feet to the point of beginning and containing 2.513 acres, more or less, and being a part of the northwest quarter of the southwest quarter of Section Three (3) aforesaid.”.**

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

Senator Champion moved that **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

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

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

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

**HB 1217**, with **SCS**, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up by Senator Wheeler.

**SCS** for **HB 1217**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1217

An Act to repeal sections 86.223 and 86.690, RSMo, and to enact in lieu thereof two new sections relating to retirement systems of police

employees within Kansas City and St. Louis.

Was taken up.

Senator Wheeler moved that **SCS** for **HB 1217** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **HB 1217** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1253**, with **SCS**, entitled:

An Act to repeal sections 375.246, 375.1176, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof four new sections relating to insurer liquidation law, with penalty provisions.

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

**SCS** for **HCS** for **HB 1253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1253

An Act to repeal sections 375.246, 375.1198,

375.1220, and 379.825, RSMo, and to enact in lieu thereof four new sections relating to insurance.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 1253** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HCS** for **HB 1253** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1440**, with **SCS**, introduced by Representative Deeken, entitled:

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

Was called from the Consent Calendar and taken up by Senator Scott.

**SCS** for **HB 1440**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1440

An Act to repeal sections 104.020, 104.050, 104.080, 104.090, 104.103, 104.110, 104.170, 104.180, 104.255, and 251.440, RSMo, and to enact in lieu thereof twelve new sections relating to retirement.

Was taken up.

Senator Scott moved that **SCS** for **HB 1440** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 1440** 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1660**, with **SCS**, entitled:

An Act to repeal sections 43.250, 43.251, and 610.200, RSMo, and to enact in lieu thereof three new sections relating to accident reports.

Was called from the Consent Calendar and taken up by Senator Klindt.

**SCS** for **HCS** for **HB 1660**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1660

An Act to repeal sections 43.250, 43.251, and 610.200, RSMo, and to enact in lieu thereof three new sections relating to accident reports.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1660** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 1660** 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 Klindt, title to the bill was agreed to.

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

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

**HB 1634**, with **SCS**, introduced by Representative Behnen, entitled:

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof one new section relating to military discharge records.

Was called from the Consent Calendar and

taken up by Senator Gross.

**SCS** for **HB 1634**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1634

An Act to repeal sections 59.480, 193.225, and 193.245, RSMo, and to enact in lieu thereof three new sections relating to disclosure of certain recorded documents.

Was taken up.

Senator Gross moved that **SCS** for **HB 1634** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1634** 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	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Jacob Russell—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 960**, with **SCS**, introduced by Representative Roark, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Russell Harper Memorial Highway.

Was called from the Consent Calendar and taken up by Senator Champion.

SCS for **HB 960**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 960

An Act to amend chapters 227 and 234, RSMo, by adding thereto four new sections relating to memorial highways.

Was taken up.

Senator Champion moved that **SCS** for **HB 960** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **HB 960** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	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 Childers—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1029**, introduced by Representative Henke, **HB 1438**, introduced by Representative Ward, et al, and **HB 1610**, introduced by Representative Ward, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway for veterans.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Deputy Steven Ziegler Memorial Highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jesse R. Jenkins Memorial Highway.

Were called from the Consent Calendar and taken up by Senator Dolan.

**SCS** for **HB 1029**, **HB 1438** and **HB 1610**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1029 HOUSE BILL NO. 1438 AND HOUSE BILL NO. 1610

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of certain memorial highways.

Was taken up.

Senator Dolan moved that **SCS** for **HB 1029**, **HB 1438** and **HB 1610** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HB 1029**, **HB 1438** and **HB 1610** 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 826**, introduced by Representative Kelly (144) and **HCS** for **HB 883**, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Laura Ingalls Wilder Memorial Highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Were called from the Consent Calendar and taken up by Senator Russell.

**SCS** for **HB 826** and **HCS** for **HB 883**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 826 AND HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 883

An Act to amend chapters 227 and 234, RSMo, by adding thereto three new sections relating to memorial highways.

Was taken up.

Senator Russell moved that **SCS** for **HB 826** and **HCS** for **HB 883** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HB 826** and **HCS** for **HB 883** 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson

Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, with **SCS**, entitled respectively:

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver's licenses.

An Act to repeal section 301.2999, RSMo, and to enact in lieu thereof one new section relating to specialized license plates.

An Act to repeal sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof three new sections relating to registration of commercial motor vehicles, with a penalty provision.

Were called from the Consent Calendar and taken up by Senator Yeckel.

**SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 928 AND HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1123 AND HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1280

An Act to repeal sections 301.041, 301.2999, 302.178, 390.136, 390.340, 622.095, and 622.618,



RSMo, and to enact in lieu thereof five new sections relating to motor vehicles, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280** be adopted.

Senator Dolan requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 928, House Committee Substitute for House Bill No. 1123 and House Committee Substitute for House Bill No. 1280, Page 5, Section 301.2999, Line 32, by inserting immediately after the word "and" the following: "**the organization**".

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

Senator Yeckel moved that **SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, as amended, 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Quick Scott—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 798**, with **SCS**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

Was called from the Consent Calendar and taken up by Senator Klindt.

**SCS** for **HCS** for **HB 798**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 798

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 798** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 798** 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1188**, with **SCS**, introduced by Representative Lipke, et al, entitled:

An Act to repeal sections 221.070, 488.4014, 488.5320, and 595.045, RSMo, and to enact in lieu thereof four new sections relating to the criminal justice system.

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

**SCS** for **HB 1188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1188

An Act to repeal sections 221.070, 488.4014, 488.5320, and 595.045, RSMo, and to enact in lieu thereof four new sections relating to the criminal justice system, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HB 1188** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 1188** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Childers Goode Kinder Quick—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1192**, with **SCS**, entitled:

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, and 267.556, RSMo, and to enact in lieu thereof one new section relating to animal health and inspection.

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

**SCS** for **HCS** for **HB 1192**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1192

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, and 537.115, RSMo, and to enact in lieu thereof two new sections relating to animal health and inspection.

Was taken up.

Senator Cauthorn moved that **SCS** for **HCS** for **HB 1192** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HCS** for **HB 1192** 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	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1126**, introduced by Representative Seigfreid, et al, entitled:

An Act to repeal section 278.258, RSMo, and to enact in lieu thereof one new section relating to detachment from watershed districts.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1126** 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
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Wheeler	Yeckel—31		

NAYS—Senators—None

Absent—Senators

Jacob Klindt Quick—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1616**, introduced by Representative Hanaway, et al, entitled:

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to the publication of administrative rules.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 1616** 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	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Klindt Quick Russell Stoll—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1364**, with **SCS**, introduced by Representative Bishop, et al, entitled:

An Act to repeal section 452.310, RSMo, and to enact in lieu thereof one new section relating to parenting plans.

Was called from the Consent Calendar and taken up by Senator Quick.

**SCS** for **HB 1364**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1364

An Act to repeal sections 452.310 and 452.455, RSMo, and to enact in lieu thereof two new sections relating to parenting plans, with an emergency clause.

Was taken up.

Senator Quick moved that **SCS** for **HB 1364** be adopted, which motion failed.

On motion of Senator Quick, **HB 1364** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—29

NAYS—Senators

Caskey	Dougherty	Kennedy—3
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Absent—Senators

Bray	Klindt—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Quick moved that the vote by which

the bill passed be reconsidered.

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

**REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HS** for **HCS** for **HB 1453**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

**HOUSE BILLS ON THIRD READING**

**HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1177**, with **SCS**, entitled:

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

Was taken up by Senator Cauthorn.

**SCS** for **HCS** for **HB 1177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1177

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

Was taken up.

Senator Cauthorn moved that **SCS** for **HCS** for **HB 1177** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

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

1177, Page 9, Section 640.750, Line 3, by inserting immediately after said line the following:

“640.755. 1. No rule or portion of a rule promulgated under the authority of sections [640.700] **640.703** to 640.755 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

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

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

Senator Cauthorn offered **SA 2**:

#### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 6, Section 640.715, Line 21, by striking the word “processing” and inserting in lieu thereof the following: “**approving**”.

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

Senator Cauthorn offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 3, Section 640.710, Line 9, by striking the word “class I”; and further amend said line, by inserting immediately after the word “operations” the following: “**in accordance with the Missouri clean water law, sections 644.006 to 644.141, RSMo**”.

Senator Cauthorn moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SA 3**:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 3, Section 640.710, Line 1, by striking “clean water commission shall have the”; and further amend said page and section, lines 2-4, by striking all of said lines and inserting in lieu thereof the following: “**clean water commission**”; and further amend said page and section, line 9, by striking “class I”; and further amend said line by inserting immediately after the word “operations” the following: “**in accordance with the Missouri clean water law, sections 644.006 to 644.141, RSMo**”.

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

Senator Cauthorn offered **SA 4**:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 6, Section 640.715, Line 33, by inserting immediately after “facility]” the following: “**class IA**”.

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

Senator Cauthorn offered **SA 5**:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 9, Section 644.016, Line 20-28, by striking all of the bold-faced language from said lines; and

Further amend said bill, Page 12, Section 644.016, line 119, by inserting immediately after said line the following:

“644.051. 1. It is unlawful for any person:

(1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters

of the state;

(2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;

(3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;

(4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by

sections 644.006 to 644.141 and any federal water pollution control act. **Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, notices of violation shall not be issued for an accidental or unintentional release of water contaminants where the water contaminants are entirely confined upon lands owned, leased, or otherwise controlled by a single person, or by two or more persons jointly or as tenants in common, and where the released water contaminants are removed, cleaned up, or remediated to the extent that any flow of water that leaves the property and enters the waters of the state does not exceed any of the standards, regulations, or limitations set forth in sections 644.006 to 644.141.** If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being

exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director

or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be

issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as

principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission. The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall



commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Cauthorn, **HCS for HB 1177**, with **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 767**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 824**, entitled:

An Act to repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing identification numbers, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 782**, entitled:

An Act to repeal sections 50.339, 54.150, 54.170, and 54.261, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 769**, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 757**.

With House Committee Amendment No. 1.

#### HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 757, Page 10, Section 301.069, Line 12, by inserting after all of said line the following:

“302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

(1) Any person driving a farm vehicle as defined in section 302.700;

(2) Any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, while driving military vehicles for military purposes;

(3) Any person who drives emergency or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions under emergency conditions;

**(4) Any person qualified to operate the equipment under subdivision (3) of this section when operating such equipment in other functions such as parades, special events, repair, service or other authorized movements;**

(5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010 and 700.010, RSMo, for personal use; and

[(5)] **(6)** Any other class of persons exempted by rule or regulation of the director, which rule or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any amendments or regulations drafted to that act.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An “emergency vehicle” is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol or a state park ranger, those vehicles operated by enforcement personnel [by the division of motor carrier and railroad safety

of the department of economic development] **of the state highways and transportation commission**, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44, RSMo;

(7) Any vehicle operated by an authorized employee of the department of corrections, who as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual

or suspected law violator, or when responding to, but not upon returning from, a fire;

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions;

(3) The exemptions [herein] granted to an emergency vehicle **pursuant to subdivision (2) of this subsection** shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class C misdemeanor.

307.175. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022, RSMo, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and [while] using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be

in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.”; and

Further amend said Bill, Page 13, Section 390.020, Line 124, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to ensure the efficient operation of emergency vehicles, the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act shall be in full force and effect upon its passage and approval.; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 901**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 901, Page 4, Section 260.370, Line 104, by inserting immediately after the words “**a conflict**” the following:

“**concerning authority for risk-based remediation rules**”; and

Further amend said page, line 105 of said page

by inserting immediately after the figure “**644.026**” the following:

“(8)”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1099**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 959** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1548**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees’ pay.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

**SCR 51**—Rules, Joint Rules, Resolutions and Ethics.

## REFERRALS

President Pro Tem Kinder referred **SR 1877** and **SR 1878** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

## PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 1021**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HB 1409**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

## RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1880, regarding Jeffrey Shaw, which was adopted.

Senator Klindt offered Senate Resolution No. 1881, regarding Tracey Switzer, which was adopted.

Senator Goode offered Senate Resolution No. 1882, regarding Evelyn Marie Head, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1883, regarding the Right Reverend Monsignor Louis F. Meyer, St. Louis, which was adopted.

Senator Clemens offered Senate Resolution No. 1884, regarding Brad Risby, which was adopted.

Senator Childers offered Senate Resolution No. 1885, regarding Blue Eye Elementary School, which was adopted.

Senator Shields offered Senate Resolution No. 1886, regarding Ryan Sevcik, which was adopted.

Senator Gibbons offered Senate Resolution No. 1887, regarding Dr. Jessica Henderson-Boyd, St. Louis, which was adopted.

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

## RECESS

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

## HOUSE BILLS ON THIRD READING

**HB 996**, introduced by Representative Dusenberg, et al, **HB 1142**, introduced by Representative Daus, et al, **HCS** for **HB 1201** and **HB 1489**, introduced by Representative Barnitz, et al, with **SCS**, entitled respectively:

An Act to repeal section 307.375, RSMo, and to enact in lieu thereof one new section relating to school bus inspections.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

An Act to repeal section 304.156, RSMo, and to enact in lieu thereof one new section relating to disposal of damaged vehicles.

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to operation of all-terrain vehicles, with penalty provisions.

Were called from the Consent Calendar and

taken up by Senator Bartle.

**SCS for HB 996, HB 1142, HCS for HB 1201 and HB 1489**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 996  
HOUSE BILL NO. 1142  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1201  
AND HOUSE BILL NO. 1489

An Act to repeal sections 301.010, 304.013, 304.156, 307.172, 307.366, 307.375, and 643.315, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with penalty provisions.

Senator Bartle moved that **SCS for HB 996, HB 1142, HCS for HB 1201 and HB 1489** be adopted.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 996, House Bill No. 1142, House Committee Substitute for House Bill No. 1201 and House Bill No. 1489, Page 16, Section 304.156, Line 141, by inserting after “days” the following: **“after the notice is sent pursuant to this subsection”**; and further amend line 145 by inserting after “days” the following: **“after the notice is sent pursuant to this subsection”**; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle moved that **SCS for HB 996, HB 1142, HCS for HB 1201 and HB 1489**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS for HB 996, HB 1142, HCS for HB 1201 and HB 1489**, as amended, was read the 3rd time and

passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel—28

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Jacob	Quick
Wheeler	Yeckel—6		

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Cauthorn moved that **HCS for HB 1177**, with **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 5** was again taken up.

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

Senator Dougherty offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 5, Section 640.715, Line 2, by deleting the word **“facility”** and inserting in lieu thereof the following: **“operation”**; and

Further amend said bill, Page 5, Section 640.715, Line 3, by deleting the word **“facility”** and inserting in lieu thereof the following: **“operation”**; and

Further amend said bill, Page 5, Section 640.715, Line 4, by striking opening and closing brackets; and

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

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

Senator Dougherty offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 12, Section 644.016, Line 106, by striking the opening and closing brackets; and further amend said page, line 108, by inserting immediately after the word "indirectly" the following: ";"; and further amend said page lines 108-110, by striking all the bold language.

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

Senator Cauthorn moved that SCS for HCS for HB 1177, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, SCS for HCS for HB 1177, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel—24

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob

Quick—9

Absent—Senator Stoll—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

HCS for HB 980, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental rules.

Was taken up by Senator Klindt.

Senator Klindt offered SS for HCS for HB 980, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 980

An Act to amend chapter 640, RSMo, by adding thereto three new sections relating to environmental regulation.

Senator Klindt moved that SS for HCS for HB 980 be adopted.

Senator Foster offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 980, Page 1, Section A, Line 3, by inserting after the following:

"256.603. As used in sections 256.600 to 256.640, the following terms mean:

(1) "Abandoned well", a well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of thermal recovery or obtaining groundwater is impractical and which has not been in use for a period of two years or more. The term "abandoned well" includes a test hole or a monitoring well which was drilled in the exploration for minerals, or for geological, water quality or hydrologic data from the time that it is no longer used for exploratory purposes and that has not been plugged in accordance with rules and regulations pursuant to sections 256.600 to

256.640;

(2) “Board”, the body created in section 256.605;

(3) “Certification report”, a form to be sent to the division upon completion of any well which shows the location, static water level, total depth, initial [pumpage] **yield**, hole size, casing size and length, and name of well owner;

(4) “Division”, the [division of geology and land survey] **geological survey and resource assessment division**;

(5) “Driller's log”, a record accurately kept at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required on the certification report forms;

(6) “Examination”, an assessment of professional competency administered to applicants;

(7) “Heat pump installation contractor”, any person, including owner, operator or drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in the state for extracting thermal energy;

(8) “Monitoring well installation contractor”, any person, including owner, operator, or drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in this state which is drilled for geologic data, water quality, or hydrologic data;

(9) “Permitted well driller”, any person who holds a permit issued pursuant to the provisions of sections 256.600 to 256.640;

(10) “Person”, any individual, whether or not connected with a firm, partnership, association, corporation, or any other group or combination acting as a unit;

(11) “Pump installation contractor”, any person, firm or corporation engaged in the business of installing or repairing pumps and pumping equipment;

(12) “Registration report”, a form to be sent to the division upon completion of plugging of an abandoned well, raising casings, lining wells, deepening of wells, major repairs and alterations, and jetted wells;

(13) “Well”, an excavation that is drilled, cored, bored, washed, driven, dug, jetted, trenched, or otherwise constructed when the intended use of such excavation is for the acquisition of groundwater supply, for monitoring, thermal exchange or for exploration for minerals or geologic or hydrologic data; but such term does not include a cistern, an excavation made for the purpose of obtaining or for prospecting for oil or natural gas, or for construction foundation data, dewatering of construction sites or dewatering of existing structures, observation wells used as a part of an underground storage tank leak detection system of a minimal depth, as determined by the board by rule, or for inserting media to repressure oil or natural-gas-bearing formations;

(14) “Well installation contractor”, any person, including owner, operator, and drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in this state. The term, however, shall not include any person who drills, bores, cores, or constructs a water well on [his] **the person's** own property for his **or her** own use or a person who assists in the construction of a water well under the direct supervision of a permitted well installation contractor and is not primarily responsible for drilling operations;

(15) “Well owner”, any person or corporation who is the party responsible for having a well drilled and whose name appears on the well registration or certification form.

256.605. 1. The “Well Installation Board” is hereby established which shall be composed of nine members. Appointment to the board shall be made without regard to race, creed, sex, religion, or national origin of the appointees. Each member shall be a resident of the state and be conversant in well drilling, completion, and plugging methods and techniques.



2. Four members of the board shall hold valid permits under sections 256.600 to 256.640. Two of these shall hold permits as well installation contractors, one shall hold a permit as a heat pump installation contractor and as a well installation contractor and one shall hold a permit as a monitoring well installation contractor and as a well installation contractor. Four shall be public members **none of which are currently employed by the state**, one of these shall be a public water supply district user and one shall be a private well user. The director of the department or his designee shall serve as a member of the board. Board members shall serve four-year terms except that two of the first appointed public members and two of the first appointed members holding valid permits shall be appointed to two-year terms. Members shall be appointed by the governor with the advice and consent of the senate and each shall serve until his successor is duly appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. Any member who fails to attend at least seventy-five percent of the regular board meetings in any one year, at the discretion of the board, shall be deemed to have resigned. Members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties while in attendance at board meetings out of appropriations made for that purpose.

3. A member shall not be employed by or own an interest in a company, firm, or business association which employs another member of the board or in which another member owns an interest, if the company, firm, or business association is engaged in any phase of the well drilling, pump installation, heat pump or monitoring well business.

4. Except for industry members, no member shall receive, or shall have received during the previous two years, income derived directly or indirectly from any permittee or applicant under sections 256.600 to 256.640.

5. The board shall meet on a quarterly basis, and special meetings may be called when deemed necessary by the division. A majority of the board

is a quorum for conducting business. The board shall elect a chairman by a majority vote at the first meeting each year.

256.607. 1. No person may engage in business in this state as a well installation contractor, **pump installation contractor, heat pump installation contractor, or monitoring well installation contractor** unless he or she has obtained from the division a permit to conduct such business or businesses. **For violations of this subsection, the division shall assess a penalty fee of five hundred dollars for the first offense and two thousand dollars for each subsequent offense. Any moneys paid in penalty fees under this section shall be deposited into the groundwater protection fund.**

2. Nothing in sections 256.600 to 256.640 shall prevent a person who has not obtained a permit pursuant to sections 256.600 to 256.640 from constructing a well on his **or her** own or leased property intended for use only in a single-family house which is his **or her** permanent residence, or intended for use only for farming purposes on his **or her** farm, and where the waters to be produced are not intended for use by the public or in any residence other than his **or her** own. Such person shall comply with all rules and regulations as to construction of wells adopted under sections 256.600 to 256.640.

3. Any well installation contractor or pump installation contractor acting as the primary contractor in the construction, alteration, major repair or abandonment of any well shall be required to obtain a permit from the division and comply with all rules and regulations promulgated pursuant to sections 256.600 to 256.640.

4. Any heat pump installation contractor or monitoring well installation contractor shall obtain a permit from the division and comply with all rules and regulations pursuant to sections 256.600 to 256.640.

256.615. 1. Wells abandoned by the landowner after August 28, 1991, shall be plugged or caused to be plugged by the landowner according to the regulations developed pursuant to

sections 256.600 to 256.640. If the department makes a finding that certain unusual conditions exist at a well, the department may require that the same be plugged by a permitted well driller or pump installer.

2. Any test hole which is drilled for underground exploration shall be plugged in accordance with rules and regulations developed pursuant to sections 256.600 to 256.640.

3. Any information obtained by the department which identifies a test hole or a monitoring well which was drilled in the exploration for minerals shall remain confidential and shall not be released by the division for a period of ten years following the receipt of the information which initially identified the test hole or monitoring well. The person submitting the report or the person for whom the well was drilled may request that such information remain confidential for an additional five years and the division shall grant such request. **Any persons providing information to the department of natural resources identifying violators of the water well drillers act or locations of abandoned wells that may pose a threat to groundwater shall remain anonymous and all information associated with such persons shall be treated as confidential information by the department and not disclosed to third parties absent a proper subpoena compelling the production of such information.** Any employee of the division who discloses confidential information shall be subject to disciplinary action by the division and is guilty of a class A misdemeanor.

**256.627. 1. While in communication with the public concerning work performed by department of natural resources permitted contractors or work that may be required of a permitted contractor, all division personnel shall restrict distribution of information to the following:**

**(1) Work qualification status and limitations of any permitted contractor;**

**(2) General information concerning rules adopted under sections 256.600 to 256.640.**

**2. At no time during consultation with any person outside of division personnel shall a division employee offer specific technical advice or opinions concerning the activities or technical advice of a permitted contractor without a prior consultation with such permitted contractor.”; and**

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

Senator Foster moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

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

At the request of Senator Klindt, **HCS for HB 980**, with **SS** (pending), was placed on the Informal Calendar.

**HCS for HB 1115** was placed on the Informal Calendar.

**HCS for HBs 998 and 905**, entitled:

An Act to amend chapter 700, RSMo, by adding thereto one new section relating to eviction notice provisions for manufactured or mobile home land lease communities.

Was taken up by Senator Griesheimer.

Senator Griesheimer offered **SS** for **HCS for HBs 998 and 905**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 998 and 905

An Act to amend chapter 700, RSMo, by adding thereto one new sections relating to manufactured homes, with penalty provisions.

Senator Griesheimer moved that **SS** for **HCS for HBs 998 and 905** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **HCS for HBs 998 and 905** 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	Vogel	Wheeler	Yeckel—32

## NAYS—Senators—None

## Absent—Senators

Jacob	Stoll—2
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## Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS for HB 833, with SCS, entitled:**

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof three new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up by Senator Vogel.

**SCS for HCS for HB 833, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 833

An Act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof twelve new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up.

Senator Vogel moved that **SCS for HCS for HB 833** be adopted.

Senator Vogel offered **SS for SCS for HCS**

for **HB 833**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 833

An Act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof twelve new sections relating to the creation of exhibition center and recreational facility districts.

Senator Vogel moved that **SS for SCS for HCS for HB 833** be adopted.

President Maxwell assumed the Chair.

Senator Days offered **SA 1:**

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 833, Page 1, In the Title, Lines 4-5, of said page by striking “the creation of exhibition center and recreational facility districts” and inserting in lieu thereof the following: “counties”; and

Further amend said bill, page 51, section 67.2530, line 7 of said page, by inserting after all of said line the following:

“144.757. 1. Any county or municipality, except municipalities within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election [prior to August 7, 1996, or after December 31, 1996,] a proposal to authorize the governing body of the county or municipality to

impose a local use tax pursuant to sections 144.757 to 144.761. Municipalities within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the ..... (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently ..... (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(2) (a) The ballot of submission in a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of [preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county)

Community Comeback Program; and for the purposes of] **economic development and enhancing local government services**[;], shall the county [governing body] be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? [The Community Comeback Program] **Fifty percent of the revenue shall be used for economic development, including retention, creation, and attraction of better paying jobs, and fifty percent shall be used for enhancing local government services. The county shall be required to [submit] make available to the public [a] an audited comprehensive financial report detailing the management and use of economic development funds each year.**

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(b) The ballot of submission in a municipality within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars

in any calendar year.

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) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the ..... (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of ..... (insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

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".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein

authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [pursuant to sections 144.757 to 144.761] and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761 [and sections 67.478 to 67.493, RSMo], the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use 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 fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers

of the county or municipality and to the public. No 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, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county [of the first classification] having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county [community comeback trust authorized pursuant to sections 67.478 to 67.493, RSMo] **treasurer for expenditure for economic development purposes, as defined in this section, subject to any qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of economic development funds each year. Such ordinance shall require that the county and the municipal league of the county jointly prepare an economic development strategy to guide expenditures of funds and conduct an annual review of the strategy.** The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the **two-thirds** remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the

last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality 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 county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax,

except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

**5. As used in this section, “economic development” means:**

**(1) Expenditures for infrastructure and sites for business development or for public infrastructure projects;**

**(2) Purchase, assembly, clearance, demolition, environmental remediation, planning, redesign, reconstruction, rehabilitation, construction, modification or expansion of land, structures and facilities, public or private, either in connection with a reinvestment project in areas with underused, derelict, economically challenged, or environmentally troubled sites, or in connection with business attraction, retention, creation, or expansion;**

**(3) Expenditures related to business district activities such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and other public improvements;**

**(4) Expenditures for the provision of workforce training and educational support in connection with job creation, retention, attraction, and expansion;**

**(5) Development and operation of business incubator facilities, and related entrepreneurship support programs;**

**(6) Capitalization or guarantee of small business loan or equity funds;**

**(7) Expenditures for business development activities including attraction, creation, retention, and expansion; and**

**(8) Related administration expenses of economic and community development programs, provided that such expenses shall not**

**exceed five percent of annual revenues.**

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax, **provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, RSMo, when imposed by any county with a charter form of government and with more than one million inhabitants.**

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

Shall the municipality (county) of ..... impose a sales tax of ..... (insert amount) for the purpose of providing funding for ..... (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

YES  NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal

to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220, RSMo.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

[67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the “Community Comeback Act”.]

[67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:

(1) “Community comeback plan” and “plan”, a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of

measuring accomplishments, revised annually;

(2) “Community comeback program”, “community comeback trust” and “trust”, a fund held in the treasury of the county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

(3) “Community comeback program board”, “community comeback trust board” and “board”, the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community trust;

(4) “Community comeback trust citizen advisory committee” and “advisory committee”, an eleven-member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;

(5) “Eligible expenses”, costs qualified for funding through the community comeback trust which are:

(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;

(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any



structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(6) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(7) "Petition", a petitioner's request for funding made to the community comeback trust;

(8) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board not less than two-thirds of the members of which are appointed by the chief elected official of the county or by one or more organizations with governing boards appointed by the chief elected official;

(9) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(10) "Priority comeback project", a funding proposal submitted to a community comeback trust by a petitioner whose area is substantially within a priority comeback community;

(11) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project submitted to a trust by a petitioner;

(12) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(13) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(14) “SNAP grant”, an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.]

[67.484. 1. A community comeback trust may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. A trust shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance.

The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the trust or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a member shall be automatically vacated when the member

changes his or her residence so as to no longer conform to the terms of the requirements of the member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any member's term, any member's need to vacate his or her seat or any vacancy on the board. A member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty-five days of the passage of the ordinance establishing the board or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first

of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, by electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the trust without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust, subject to annual appropriations by the governing body of the county. The county government shall provide the trust staff. No more than five percent of the trust's annual budget shall be used for the trust's annual administrative expenses.

5. The trust is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any

power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost to the trust of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the trust, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the trust shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The trust may provide for the replacement of

any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the trust shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the trust. The issuance of bonds pursuant to this section shall not directly, indirectly or contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the trust shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the trust or assets of the trust lawfully pledged for such trust, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the trust may provide in the resolution authorizing the issuance of such bonds.

(5) The trust may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other

obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the trust, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the trust whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The trust is hereby declared to be performing a public function and bonds of the trust are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the trust shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.]

[67.487. 1. Within fourteen days of

the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

(1) Assessed values below the county average;

(2) Median household incomes below the county median;

(3) An unemployment rate above the county average;

(4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above-average

salaries;

(5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and

(6) A high vacancy rate among residential, commercial and industrial properties.

5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.

6. The board may consider the following factors when determining the appropriate areas and strategies for investment:

(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;

(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;

(3) Incompatible uses that prevent economic development;

(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;

(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;

(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by

utilities;

(7) The existence of conditions that are not conducive to public safety; and

(8) The lack of necessary commercial facilities normally found in neighborhoods.

7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.

8. The board shall produce an annual report focusing on the accomplishments of the trust relative to the goals set forth in the plan, the goals for the next year and the challenges facing the trust. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.

9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.

10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the trust's ability to achieve its

mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.

11. (1) The board shall establish an eleven-member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by the municipal league within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location

decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to the county's municipal league and the members of the governing body of the county. The municipal league and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the

resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.]

[67.490. 1. The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy

outlined in the plan.

3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well-planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall



award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well-planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

(a) Reducing or removing impediments to attracting home buyers;

(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well-planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well-planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

(a) Reducing or removing impediments to attracting home buyers;

(b) Providing the necessary physical infrastructure needed to promote significant job growth;

(c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

(1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;

(2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;

(3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the

neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of streetlights.

6. Project categories ineligible for SNAP grant funding shall be:

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.]

[67.493. Of the funds available to the

trust, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy- five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and

(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner- occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the trust.]; and

Further amend the title and enacting clause accordingly.

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

Senator Vogel moved that **SS** for **SCS** for **HCS** for **HB 833**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SS** for **SCS** for **HCS** for **HB 833**, as amended, 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

At the request of Senator Shields, **HCS** for **HB 898**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HBs 946, 1106** and **952**, with **SCS**, was placed on the Informal Calendar.

**HS** for **HB 1487**, introduced by Representative Self, entitled:

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof two new sections relating to kidnapping, with penalty provisions and an emergency clause.

Was taken up by Senator Scott.

Senator Bray offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 1487, Page 1, In the Title, Line 3, by striking “kidnapping” and inserting in lieu thereof the following: “human exploitation”; and

Further amend said bill, Page 2, Section

565.115, Line 7, by inserting after all of said line the following:

**“566.200. As used in sections 566.200 to 566.221, the following terms shall mean:**

**(1) “Basic rights information”, information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources;**

**(2) “Client”, a person who is a resident of the United States and the state of Missouri and who contracts with an international matchmaking organization to meet recruits;**

**(3) “Coercion”,**

**(a) Threats of substantial bodily harm to or physical restraint against any person;**

**(b) Any scheme, plan, or pattern of behavior intended to cause a person to believe that failure to perform an act will result in substantial bodily harm to or physical restraint against any person; or**

**(c) The abuse or threatened abuse of the legal process;**

**(4) “Commercial sex act”, any sex act on account of which anything of value is given to or received by any person;**

**(5) “Criminal history record information”, criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;**

**(6) “International matchmaking organization”, a corporation, partnership, or other legal entity, whether or not organized pursuant to the laws of the United States or any state, that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, or statistics, the selection of**

photographs, and creating a social environment provided by the organization in a country other than the United States. Such business shall not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits by such organization and the laws of the United States, or an organization that does not charge a fee to any party for the services provided;

(7) “Involuntary servitude”, a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(8) “Marital history information”, a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international matchmaking organization;

(9) “Recruit”, a non-citizen, non-resident, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

566.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By threats of serious harm or physical restraint against such person or another person;

(2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint; or

(3) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who pleads guilty to or is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of abuse through forced labor is a class B felony.

566.206. 1. A person commits the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services.

2. A person who pleads guilty to or is found guilty of the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a class B felony.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, transports, provides, or obtains by any means, another person for the use or employment of such person in sexual conduct as defined in section 556.061, RSMO, without his or her consent.

2. The crime of trafficking for the purposes of sexual exploitation is a class B felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant reasonably believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.

**566.215. 1.** A person commits the crime of contributing to human trafficking through the misuse of documentation when the individual knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing crimes or with the intent to commit crimes, pursuant to sections 566.200 to 566.221; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person, who is the victim of a crime committed pursuant to sections 566.200 to 566.221.

2. A person who pleads guilty to or is found guilty of the crime of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

**566.218.** A court sentencing an offender convicted of violating the provisions of sections 566.203, 566.206, 566.209, 566.212, and 566.215, shall order the offender to pay restitution to the victim of the offense.

**566.221. 1.** An international matchmaking organization shall provide notice to each recruit that the criminal history record information

and marital history information of clients and basic rights information are available. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international matchmaking organization shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international matchmaking organization receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international matchmaking organization shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international matchmaking organization; and

(3) Provide to the international matchmaking organization his or her own marital history information.

4. An international matchmaking organization shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international matchmaking organization shall not provide any further services to the client or the recruit until the organization has obtained the requested criminal history record information and marital history information and provided the information to the recruit.

**6. An international matchmaking organization shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.**

**7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.**

**8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.**

**9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.**

**566.223. Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person, shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.**

567.030. 1. A person commits the crime of patronizing prostitution if he patronizes prostitution.

**2. It shall not be an affirmative defense that the defendant reasonably believed that the person he or she patronized for prostitution was eighteen years of age or older.**

**3. Patronizing prostitution is a class B misdemeanor, unless the individual who the person is patronizing is under the age of eighteen but older than the age of fourteen, in which case patronizing prostitution is a class A misdemeanor.**

**4. Patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger.”; and**

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above

amendment be adopted.

Senator Quick offered **SA 1 to SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Substitute for House Bill No. 1487, Page 4, Section 566.212, Line 27, by striking the word “reasonably”.

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

**SA 1**, as amended, was again taken up.

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

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

Senator Quick offered **SA 2 to SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Substitute for House Bill No. 1487, Page 7, Section 567.030, Line 23, by striking the word “reasonably”.

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

**SA 1**, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 2

Amend House Substitute for House Bill No. 1487, Page 1, In the Title, Line 3, by striking “kidnapping” and inserting in lieu thereof the following: “crimes against persons”; and

Further amend said bill, page 1, Section A, line 2, by inserting immediately after said line the following:

“556.037. **Notwithstanding** the provisions of section 556.036, [to the contrary notwithstanding,] prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within [ten] **twenty** years after the victim reaches the age of eighteen **unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.**”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Scott, **HS for HB 1487**, as amended, was read the 3rd time and passed by the following vote:

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

NAYS—Senator Champion—1

Absent—Senators

Dolan	Quick—2
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel

Wheeler Yeckel—30

NAYS—Senator Champion—1

Absent—Senators

Dolan	Quick	Russell—3
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Absent with leave—Senators—None

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

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

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

**HCS for HB 1055** was placed on the Informal Calendar.

**HCS for HB 1215**, with **SCS**, entitled:

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with a penalty provision and an emergency clause.

Was taken up by Senator Bartle.

**SCS for HCS for HB 1215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1215

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with a penalty provision and an emergency clause.

Was taken up.

Senator Bartle moved that **SCS for HCS for HB 1215** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS for HCS for HB 1215** 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	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Mathewson—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Mathewson—2

Absent with leave—Senators—None

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

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

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

**HS** for **HCS** for **HB 1207** was placed on the Informal Calendar.

**HS** for **HB 1193**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1278**, with **SCS**, was placed on the Informal Calendar.

**HCS** for **HB 1209** was placed on the Informal

Calendar.

**HCS** for **HBs 1074** and **1129**, with **SCS**, entitled:

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to cross burning, with a penalty provision.

Was taken up by Senator Kinder.

**SCS** for **HCS** for **HBs 1074** and **1129**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1074 and 1129

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to the burning of crosses, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **HCS** for **HBs 1074** and **1129** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HCS** for **HBs 1074** and **1129** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Kinder moved that the vote by which



the bill passed be reconsidered.

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

**HCS for HB 1439** was placed on the Informal Calendar.

**HCS for HB 1617**, entitled:

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

Was taken up by Senator Bartle.

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

#### SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1617, Page 1, Section 409.109, Line 3, by striking the following words: "**The attorney general or the proper**" and inserting in lieu thereof: "**For prosecutions of violations of sections 409.108 to 409.114 the local county**".

Senator Caskey moved that the above amendment be adopted.

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

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1617, Page 1, Section 409.109, Line 3, by striking the following words: "**The attorney general or the proper**" and inserting in lieu thereof: "**For prosecutions of violations of sections 409.108 to 409.114 the local county**"; and

Further amend line 5, by adding at end of said line the following:

"If the proper prosecuting attorney refuses to bring charges under this section, the Attorney General shall have jurisdiction and proceed with prosecution under these sections".

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

On motion of Senator Bartle, **HCS** for **HB 1617**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

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

#### NAYS—Senators—None

#### Absent—Senators

Bray	Coleman	Griesheimer	Wheeler—4
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#### Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

### REFERRALS

President Pro Tem Kinder referred **HS** for **HB 1409**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

### HOUSE BILLS ON THIRD READING

**HB 1664** was placed on the Informal Calendar.

**HS** for **HCS** for **HB 1511**, introduced by Representative Byrd, entitled:

An Act to repeal sections 362.600, 456.010, 456.015, 456.016, 456.020, 456.030, 456.040, 456.050, 456.055, 456.060, 456.070, 456.072, 456.075, 456.080, 456.090, 456.100, 456.110, 456.120, 456.130, 456.140, 456.150, 456.160, 456.170, 456.180, 456.183, 456.185, 456.187,

456.190, 456.195, 456.200, 456.210, 456.220, 456.225, 456.230, 456.232, 456.233, 456.234, 456.235, 456.236, 456.240, 456.250, 456.260, 456.270, 456.280, 456.290, 456.300, 456.310, 456.320, 456.330, 456.340, 456.350, 456.400, 456.410, 456.420, 456.430, 456.440, 456.450, 456.460, 456.470, 456.480, 456.490, 456.500, 456.510, 456.520, 456.524, 456.530, 456.535, 456.540, 456.550, 456.560, 456.570, 456.580, 456.610, 456.620, 456.630, 456.640, 456.650, 456.660, 456.670, 456.900, 456.901, 456.902, 456.903, 456.904, 456.905, 456.906, 456.907, 456.908, 456.909, 456.910, 456.911, 456.912, 456.913, 469.401, 469.409, 469.411, 469.419, 469.423, 469.435, 469.449 and 469.453, RSMo, and to enact in lieu thereof one hundred fifty-one new sections relating to trust and estate administration.

Was taken up by Senator Caskey.

Senator Caskey offered **SS** for **HS** for **HCS** for **HB 1511**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1511

An Act to repeal sections 301.681, 306.458, 306.461, 362.600, 456.010, 456.015, 456.016, 456.020, 456.030, 456.040, 456.050, 456.055, 456.060, 456.070, 456.072, 456.075, 456.080, 456.090, 456.100, 456.110, 456.120, 456.130, 456.140, 456.150, 456.160, 456.170, 456.180, 456.183, 456.185, 456.187, 456.190, 456.195, 456.200, 456.210, 456.220, 456.225, 456.230, 456.232, 456.233, 456.234, 456.235, 456.236, 456.240, 456.250, 456.260, 456.270, 456.280, 456.290, 456.300, 456.310, 456.320, 456.330, 456.340, 456.350, 456.400, 456.410, 456.420, 456.430, 456.440, 456.450, 456.460, 456.470, 456.480, 456.490, 456.500, 456.510, 456.520, 456.524, 456.530, 456.535, 456.540, 456.550, 456.560, 456.570, 456.580, 456.610, 456.620, 456.630, 456.640, 456.650, 456.660, 456.670, 456.900, 456.901, 456.902, 456.903, 456.904, 456.905, 456.906, 456.907, 456.908, 456.909, 456.910, 456.911, 456.912, 456.913, 461.300,

469.401, 469.409, 469.411, 469.419, 469.423, 469.435, 469.449 and 469.453, RSMo, and to enact in lieu thereof one hundred fifty-six new sections relating to trust and estate administration.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HB 1511** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1511, Page 98, Section 461.300, Line 9, by inserting after “claimant” on said line: “, within sixteen months following the decedent’s death”.

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

Senator Caskey moved that **SS** for **HS** for **HCS** for **HB 1511**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HS** for **HCS** for **HB 1511**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Griesheimer—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

At the request of Senator Shields, **HS** for **HCS** for **HB 1453**, with **SCS**, was placed on the Informal Calendar.

**HB 1664**, introduced by Representative Hanaway, et al, entitled:

An Act to repeal sections 347.020, 347.025, 347.039, 347.041, 347.047, 347.051, 347.055, 347.079, 347.081, 347.088, 347.129, 347.131, 347.153, 347.155, 347.159, 347.161, 347.169, 347.179, 347.725, 351.046, 351.050, 351.051, 351.055, 351.060, 351.085, 351.090, 351.095, 351.106, 351.107, 351.110, 351.115, 351.125, 351.180, 351.195, 351.200, 351.315, 351.355, 351.430, 351.435, 351.448, 351.657, 351.658, 355.011, 355.021, 355.146, 355.631, 356.071, 356.211, 358.440, 358.460, 358.490, 359.021, 359.031, 359.041, 359.121, 359.141, 359.172, 359.501, 359.531, 359.541, 417.210, 417.215, 417.217, and 417.220, RSMo, and to enact in lieu thereof sixty-five new sections relating to business entities, with penalty provisions.

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

On motion of Senator Bartle, **HB 1664** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Griesheimer—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Yeckel moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 959**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that **SS** for **SB 732**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SB 732**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 732

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof nine new sections relating to recreation and entertainment districts.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SB 732** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Coleman Griesheimer Quick—4

Absent with leave—Senators—None

On motion of Senator Gross, **HCS** for **SS** for **SB 732** was read the 3rd time and passed by the following vote:

## YEAS—Senators

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

## NAYS—Senators—None

## Absent—Senators

Bland	Coleman	Griesheimer	Quick—4
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## Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1279**, entitled:

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

### PRIVILEGED MOTIONS

Senator Steelman moved that **SS** for **SCS** for **SB 1279**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 1279**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1279

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

Was taken up.

Senator Steelman moved that **HCS** for **SS** for **SCS** for **SB 1279** be adopted, which motion prevailed by the following vote:

## YEAS—Senators

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

## NAYS—Senators—None

## Absent—Senators

Goode	Griesheimer	Quick—3
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## Absent with leave—Senators—None

On motion of Senator Steelman, **HCS** for **SS** for **SCS** for **SB 1279** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell

Scott Shields Steelman Stoll  
Vogel Wheeler Yeckel—31

NAYS—Senators—None

NAYS—Senators—None

Absent—Senators  
Griesheimer Mathewson Quick—3

Absent—Senators

Absent with leave—Senators—None

Champion Griesheimer Quick—3

On motion of Senator Caskey, **HCS** for **SCS** for **SB 782** was read the 3rd time and passed by the following vote:

Absent with leave—Senators—None

The President declared the bill passed.

YEAS—Senators

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

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 Russell Scott Shields  
Steelman Stoll Vogel Wheeler  
Yeckel—33

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

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

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 782**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

NAYS—Senators—None

**HCS** for **SCS** for **SB 782**, entitled:

Absent—Senator Quick—1

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 782

Absent with leave—Senators—None

An Act to repeal sections 50.339, 54.150, 54.170, and 54.261, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

The President declared the bill passed.

Was taken up.

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

Senator Caskey moved that **HCS** for **SCS** for **SB 782** be adopted, which motion prevailed by the following vote:

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

YEAS—Senators

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

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

Bill ordered enrolled.

Senator Caskey moved that **SB 1012**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 1012**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1012

An Act to repeal sections 139.031, 140.340, and 140.730, RSMo, and to enact in lieu thereof three new sections relating to the collection of taxes, with an emergency clause for a certain

section.

Was taken up.

Senator Caskey moved that **HCS** for **SB 1012** be adopted, which motion prevailed 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
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Quick—2

Absent with leave—Senators—None

On motion of Senator Caskey, **HCS** for **SB 1012** 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
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Quick—2

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Caskey moved that the vote by which

the bill passed be reconsidered.

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

Bill ordered enrolled.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS No. 2** for **SB 762**, entitled:

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 207.050, 207.060, 210.025, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.310, 452.375, 452.400, 453.025, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-two new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7 and 8.

### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 26, Section 168.283, Lines 23 and 24 of said page, by deleting all of said lines and inserting in lieu thereof the following:

“**department of revenue under section 302.272, RSMo.**”; and

Further amend said bill, Page 40, Section 210.109, Line 15 of said page, by inserting after the word “**assessment.**” the following: “**The division may attempt to seek input from child welfare**”

**service providers in completing the initial family assessment.”; and**

Further amend said bill, Page 42, Section 210.110, Line 17 of said page, by deleting all of said line and inserting in lieu thereof the following: **“public, quasi-public, or private entity with the”**; and

Further amend said bill, Page 49, Section 210.112, Lines 20 and 21 of said page, by deleting all of said lines and inserting in lieu thereof the following: **“shall only apply to contract arrangements and family reunification services.”**; and

Further amend said bill, Page 93, Section 210.482, Line 24 of said page, by deleting the words **“family support”** and inserting in lieu thereof the following: **“children's”**; and

Further amend said bill, Page 94, Section 210.482, Line 1 of said page, by deleting the word **“applicant”** and inserting in lieu thereof the following: **“person with whom an emergency placement of a child will be made”**; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 51, Section 210.112, Line 14 of said page, by inserting after all of said line the following:

**“7. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.”** and renumber remaining subsections accordingly;

and

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

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 15, Section 43.530, Lines 10 to 16 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**“43.530. 1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information not based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search. Each such request shall be limited to check”**; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Section 167.020, Page 22, Line 17, by placing brackets around the words **“twenty-one”** on said line and inserting immediately thereafter the following: **“eighteen”**; and

Further amend said bill by amending the title,

enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 112, Section 211.032, Lines 5-6, by deleting all of said lines and inserting in lieu thereof the following:

**“4. Failure to hold and complete a protective custody hearing within the time specified in this section shall result in a dismissal of the case without prejudice by the court. If a case is dismissed without prejudice under this subsection, the division may retain custody of the child for up to twenty-four hours, and must release custody of the child unless the case is refiled within the twenty-four hours. In the event the case is refiled during the twenty-four hour period all time periods in this section shall re-start.”; and**

Further amend said bill, Section 211.032, by renumbering remaining sections accordingly; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 49, Section 210.112, Lines 15-21 of said page, by striking all of said lines and inserting in lieu thereof the following: **“contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of exceeding the case goals and the corresponding cost savings to the state. The division shall not include payment for residential treatment services within the case rate in any contract for comprehensive services. The division shall promulgate rules to implement the provisions of this subdivision.”.**

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 29, Section 191.748, Lines 1 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**“191.748. Every hospital and any health care facility licensed in this state that provides obstetrical services shall offer to all new mothers an opportunity to view with the father and other persons of the mother's choosing a video on the dangers of shaking a baby and shaken baby syndrome before the mother's discharge from the facility. Such video shall be approved by the department of health and senior services.; and**

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 168, Section 1, Line 19, by inserting after all of said line the following:

**“2. Nothing in this section shall prevent the division or the court from exercising its discretion to return a child or children to the custody of any individual.”; and**

Further amend said section by renumbering the preceding subsection accordingly; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 960**, entitled:



An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof four new sections relating to property tax reassessment, with an effective date for a certain section.

With House Amendment No. 1.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 960, Page 14, Section 137.115, Line 159, by inserting after said line the following:

“137.720. **1.** A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

**2. For counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.**

**3.** The county shall bill any taxing authority collecting its own taxes. The county may also

provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund, an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

**4. Four years following the effective date, the state tax commission shall conduct a study to determine the impact of increased fees on assessed valuation.**

**5. Any increase to the portion of property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission certifies an equivalent sales ratio for the county of less than or equal to thirty-one and two-thirds percent pursuant to the provisions of section 138.395, RSMo.**

**6. The provisions of subsections 2, 4, and 5 of this section shall expire on December 31, 2009.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and grants the Senate a conference thereon.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 959**, as amended: Senators Yeckel, Gross, Dolan, Mathewson and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended: Senators Gibbons, Vogel, Griesheimer, Goode and Bray.

**RESOLUTIONS**

Senator Coleman offered Senate Resolution No. 1888, regarding Corey Schenewerk, which was adopted.

Senator Bartle offered Senate Resolution No. 1889, regarding Damon Thayer, which was adopted.

Senator Kennedy offered Senate Resolution No. 1890, regarding James Sondermann, which was adopted.

Senator Cauthorn offered Senate Resolution

No. 1891, regarding Deanna LaRue Smithson, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1892, regarding the One Hundred First Birthday of Manilus Stapleton, Canton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1893, regarding Charlotte L. Murdock, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1894, regarding Robert L. McCollum, Macon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1895, regarding Melodye Harris-Juelfs, Ballwin, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Russell introduced to the Senate, Geraldine Roder and forty-five seventh grade students and adults from Winona Middle School, Winona.

Senator Cauthorn introduced to the Senate, Maurice and Helen Kreider, Palmyra.

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

**Journal**  
SENATE CALENDAR

SIXTY-SIXTH DAY—THURSDAY, MAY 6, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1099

HB 1548-Crawford

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-  
Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HB 1021-Bearden,  
with SCS (Russell)

HS for HB 1409-Dempsey,  
with SCS (Mathewson)  
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS  
SB 735-Foster, et al, with SCS  
SBs 738 & 790-Loudon, with SCS & SS for  
SCS (pending)  
SS for SS for SCS for SB 755-Shields  
SBs 774 & 915-Wheeler, with SCS  
SB 787-Childers, with SCS, SA 1 & SSA 1  
for SA 1 (pending)  
SB 809-Klindt, with SCS, SS for SCS &  
SA 2 (pending)  
SB 817-Kennedy and Griesheimer, with SCS  
SB 856-Loudon, with SCS, SS for SCS, SS  
for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)  
SB 906-Foster, with SCS, SS for SCS &  
SA 2 (pending)  
SBs 908 & 719-Cauthorn, with SCS  
SB 933-Yeckel, et al  
SB 989-Gross, et al, with SCS (pending)  
SB 990-Loudon, with SCS  
SB 1037-Steelman and Stoll, with SCS  
SBs 1069, 1068, 1025, 1005 & 1089-Gross  
and Griesheimer, with SCS, SS for  
SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS  
SB 1128-Cauthorn, with SCS  
SB 1132-Steelman, et al, with SCS  
SB 1138-Bartle  
SB 1159-Foster and Dougherty  
SB 1180-Shields and Kinder, with SCS  
SB 1198-Russell, with SCA 1  
SB 1213-Steelman and Gross, with SCS  
SB 1227-Russell, et al, with SCS  
SB 1232-Clemens, et al, with SCS (pending)  
SB 1234-Mathewson and Childers, with  
SCS, SS for SCS, SA 4 & point of order (pending)  
SB 1254-Klindt, with SCS  
SB 1277-Yeckel, with SCS  
SBs 1332 & 1341-Caskey and Mathewson,  
with SCS  
SB 1355-Days  
SB 1366-Yeckel, with SCS  
SJR 24-Caskey and Bartle, with SCS  
SJR 25-Yeckel  
SJR 26-Yeckel  
SJR 40-Stoll  
SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952, with SCS (Dolan)

HB 969-Cooper, et al, with SA 1  
(pending) (Bartle)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HB 1055 (Vogel)

HCS for HB 1115 (Gross)

HCS for HB 1182, with SCS & SS for SCS  
(pending) (Klindt)

HS for HB 1193-Self, with SCS (Loudon)

HS for HCS for HB 1207-Icet (Loudon)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith (118),  
with SCS (Loudon)

HCS for HB 1278, with SCS (Loudon)

HCS for HB 1288, with SCS (Griesheimer)

HCS for HB 1439 (Dolan)

HS for HCS for HB 1453-Hanaway, with SCS  
(Shields)

HB 1493-Emery, et al, with SCS (Steelman)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

## CONSENT CALENDAR

Senate Bills

Unofficial  
Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

Journal  
House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Copy  
Reported 4/7

HB 1070-Miller, et al (Scott)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HB 1494-Ervin (Quick)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1508-Baker (Bartle)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 757-Shields, with HCA 1  
SCS#2 for SB 762-Champion, with HS for  
HCS, as amended

SB 769-Nodler, with HCS

SB 824-Griesheimer, with HCS

SB 884-Klindt, with HCS

SCS for SB 901-Goode, with HCA 1

SCS for SBs 942, 850 & 841-Nodler, with HCS

SCS for SB 945, SB 803 & SB 1257-Gibbons,  
with HCS

SS for SCS for SB 960-Gibbons, with HCS,  
as amended

SS for SCS for SB 1081-Kinder, et al,  
with HS for HCS, as amended

SCS for SB 1091-Klindt, with HCS

SCS for SB 1093-Gibbons and Yeckel,  
with HCS

SCS for SB 1106-Shields, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended	HS for HCS for HB 1008-Bearden, with
SS for SCS for SB 1099-Gibbons, with HS	SCS (Russell)
for HCS, as amended	HS for HCS for HB 1009-Bearden, with
HCS for HBs 795, 972, 1128 & 1161, with	SCS (Russell) (House adopted CCR and
SS for SCS, as amended (Childers)	passed CCS)
HCS for HB 959, with SCS, as amended (Yeckel)	HS for HCS for HB 1010-Bearden, with
HS for HCS for HB 978-Baker, with SS,	SCS, as amended (Russell) (House
as amended (Yeckel)	adopted CCR and passed CCS)
HS for HCS for HB 1006-Bearden, with	HS for HCS for HB 1011-Bearden, with
SCS (Russell)	SCS, as amended (Russell)
HS for HCS for HB 1007-Bearden, with	HS for HCS for HB 1012-Bearden, with
SCS, as amended (Russell) (House	SCS, as amended (Russell)
adopted CCR and passed CCS)	HCS for HB 1305, with SCS, as amended
	(Scott)

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty	HCR 10-Myers (Klindt)
SCR 46-Gross	HCR 12-Kelly (36) (Mathewson)

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