

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY—TUESDAY, MAY 11, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“But the wisdom from above is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, without uncertainty or insincerity.” (James 3:17)

Almighty God, as we discern the many bills before us let us do so with a gentle, peaceable, nature so that our efforts produce the good fruits that were first inspired from You. Let our argument be filled with sincerity and reasonableness so that they are persuasive and produce the needed results we seek. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators
Bartle Bland Bray Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 1933, regarding Dr. Charles Farris, Clayton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1934, regarding Gregory Vinton Schloss, Concord Village, which was adopted.

Senator Kennedy offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1935

WHEREAS, Big Brothers Big Sisters is the oldest and largest youth mentoring organization in the United States; and

WHEREAS, the first official Big Brothers organization was founded in 1904 in New York City by Ernest Coulter, a clerk of the Juvenile Court; and

WHEREAS, Coulter appealed to local civic and business leaders to take on the role of "Big Brother" to the thousands of

suffering children who repeatedly came through the court system, and as a result, forty men stepped forward answering the request of Mr. Coulter; and

WHEREAS, meanwhile across town, a group of women also began a similar program befriending girls who came before the children's court, thus creating the movement now known as Big Brothers Big Sisters of America; and

WHEREAS, Big Brothers Big Sisters matches caring adults with children in one-to-one relationships with friendship as its cornerstone; and

WHEREAS, the organization works closely with parents to match every child with the appropriate Big Brother or Big Sister; and

WHEREAS, youth who participate in this organization are 52% less likely to skip a day of school and 46% less likely to start using drugs than peers who are not in the program; and

WHEREAS, youth involved in Big Brothers Big Sisters show improved school performance and attendance, better grades and greater self confidence; and

WHEREAS, today Big Brothers Big Sisters serves more than 200,000 youths in 5,000 communities in all fifty states; and

WHEREAS, in 2004, the Big Brothers Big Sisters organization is commemorating their 100th anniversary:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby acknowledge the tremendous efforts and success of the Big Brothers Big Sisters Organization and declare September 15, 2004 as "Big Brothers Big Sisters Day" in Missouri.

Senators Mathewson, Quick, Bland, Bartle and Griesheimer joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1936

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the lives and careers of Show-Me State residents who have proven down through the years to be exceptional, involved citizens in their local communities and neighborhoods; and

WHEREAS, Melvin A. (Mel) Aytes of Lee's Summit has attained considerable distinction as a graduate of Owensville High School who faithfully served his country in the United States Army during the Korean War era, earned Bachelor of Science and Master of Arts degrees from Central Missouri State University, and married his beloved Kathy Drummond in 1964; and

WHEREAS, Mel Aytes deserves special mention of his three decades as the Director of Governmental Affairs for Metropolitan Community Colleges, a vocation which he drew to a well-deserved

close in 2003 by handing over the reins to his successor prior to the start of the 2004 Legislative Session; and

WHEREAS, Mel Aytes brought to his professional labors as Director of Governmental Affairs a wealth of knowledge and experience which he had garnered from earlier work as a Professor of Political Science at Kansas City Junior College and Longview Community College and as a Social Science teacher at Ritenour Senior High School; and

WHEREAS, recipient of many honors and accolades, Mel Aytes recently received the Mary Stacy Distinguished Service Award from the City of Lee's Summit; and

WHEREAS, Mel Aytes is wholeheartedly dedicated to bettering the quality of life in his hometown through the service venues provided by Lee's Summit Methodist Church, American Legion, AMVETS, Lee's Summit Chamber of Commerce, Greater Kansas City Chamber of Commerce, Missouri Political Science Association, Theta Chi fraternity, and Phi Sigma Pi honorary fraternity; and

WHEREAS, although he will be fondly remembered by elected and staff members of the Missouri State Legislature for many reasons, Mel Aytes has ensured his place in legislative history even in retirement by continuing to cook world-renowned ham and beans for the Missouri Senate and House:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the long, productive career of Melvin Aytes and to convey to him this legislative body's heartiest congratulations and our best wishes as he partakes of the special opportunities and pleasures traditionally associated with the golden years of retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Melvin Aytes of Lee's Summit, Missouri.

President Maxwell assumed the Chair.

Senator Kinder, joined by entire membership of the Senate offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1937

WHEREAS, Ronald K. Kirchoff served the Missouri Senate selflessly and diligently for more than 33 years; and

WHEREAS, the service of Ronald K. Kirchoff began as an employee in the Senate mailroom in 1969; and

WHEREAS, ever ready to serve the Senate in whatever manner was demanded, Ronald Kirchoff began the modernization of the Senate's internal operation by establishing and running the Senate printing facility, including personally reviewing documents and publications to ensure their accuracy and propriety; and

WHEREAS, in the face of changing demands placed upon state governments by the citizens they served, Ron Kirchoff facilitated the establishment of a full-time professional staff in the Missouri Senate; and

WHEREAS, as the first Senate Administrator in Missouri history, so serving from 1976 until 2002, Ron Kirchoff dedicated his career to the protection of the Missouri Senate and its members; and

WHEREAS, Ron Kirchoff completed his tenure with the Senate in 2003, serving as director of research, and after his retirement continued throughout his life to share his knowledge and expertise of Senate rules and history to those seeking his guidance; and

WHEREAS, known for his keen intelligence, quiet resolve and unshakeable calm, Ron Kirchoff was the unimpeachable source of Senate history and an uncompromised authority on Senate procedure; and

WHEREAS, Ron Kirchoff's command of the intricacies, evolution and applications of the Rules of the Senate was without equal; and

WHEREAS, Ron Kirchoff's steady and personable administrative style helped guide the Senate through four decades; and

WHEREAS, Ron Kirchoff's leadership paved the way for numerous structural and technological improvements to the Senate chamber, offices, and galleries, and his foresight brought vital improvements, including computerization and modernization of Senate operations; and

WHEREAS, Ron Kirchoff always placed service to the Senate, and to the citizens, above himself; and

WHEREAS, a truer friend to the Missouri Senate and Senators will never exist:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Second General Assembly, join unanimously in naming the West Gallery of the Senate Chamber the Ronald K. Kirchoff Gallery, in lasting honor and recognition of the dedication, sacrifice and enduring contributions of this great man to the Senate of the State of Missouri and to the citizens by whose consent the Senate serves.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Ronald K. Kirchoff.

Senator Clemens offered Senate Resolution No. 1938, regarding Mr. Show-Me Basketball, Drew Richards, which was adopted.

Senator Shields assumed the Chair.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1160**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 844**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields assumed the Chair.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1277**, with **SCS**; **HS** for **HCS** for **HB 1433**; and **HS** for **HCS** for **HB 1195**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SB 884** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1288**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Loudon moved that **SB 1299**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1299, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1299

An Act to repeal sections 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 379.110, 379.815, 379.825, 384.043, 384.062, and 384.065, RSMo, and to enact in lieu thereof thirteen new sections relating to residential property insurance.

Was taken up.

Senator Loudon moved that **HCS for SB 1299** be adopted.

At the request of Senator Loudon, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HS for HCS for SS for SCS for SB 1099**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1099

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099 with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Michael R. Gibbons	/s/ Tom Dempsey
/s/ Carl M. Vogel	/s/ Shannon Cooper
/s/ John E. Griesheimer	/s/ David Pearce
/s/ Wayne Goode	/s/ Melba J. Curls
/s/ Joan Bray	Theodore Hoskins

Senator Gibbons moved that the above conference committee report 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None	
Absent—Senators	
Bland	Coleman—2

Absent with leave—Senators—None

On motion of Senator Gibbons, **CCS for HS for HCS for SS for SCS for SB 1099**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 135.215, 173.196, 173.796, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof sixteen new sections relating to tax credits, with penalty provisions.

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

NAYS—Senators—None

Absent—Senators

Bland Coleman—2

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.

HOUSE BILLS ON THIRD READING

HCS for HB 1093, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions.

Was taken up by Senator Kinder.

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

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1093, Page 2, Section 209.202, Line 13 of said page, by striking all of said line and inserting in lieu thereof the following: “who knowingly, intentionally or recklessly fails to exercise sufficient controls over the animal to”.

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

On motion of Senator Kinder, **HCS for HB 1093** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Coleman Wheeler—3

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.

HS for HCS for HB 1195, with **SCS**, was placed on the Informal Calendar.

HCS for HB 955 was placed on the Informal Calendar.

HB 1665, with **SCS**, was placed on the Informal Calendar.

HB 841, with **SCS**, was placed on the Informal Calendar.

HCS for HB 1277, with **SCS**, was placed on the Informal Calendar.

HCS for HBs 1286 and 1175, with **SCS**, was placed on the Informal Calendar.

HB 956 was placed on the Informal Calendar.

HCS for HBs 1098 and 949, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to

inaugural committees.

Was taken up by Senator Childers.

At the request of Senator Childers, **HCS** for **HBs 1098** and **949** was placed on the Informal Calendar.

HS for **HB 1599**, with **SCS**, introduced by Representative Ervin, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

Was taken up by Senator Nodler.

SCS for **HS** for **HB 1599**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1599

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

Was taken up.

Senator Nodler moved that **SCS** for **HS** for **HB 1599** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1, Section A, Line 2, by inserting after all of said line the following:

“8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the [division of design and construction] **office of administration** is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

(1) The specialized experience and technical competence of the firm or team with respect to the type of services required;

(2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project. **The scope**

of work identified in the report shall be developed and executed through combined procurement in a manner that best meets the needs of the government. For the purposes of this section and section 8.237, RSMo, “best meets the needs of government” means, but is not limited to, on a cost effective and timely basis but not otherwise inconsistent with the provisions provided herein; and

(3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.

2. [Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.

3.] The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.

[4. The division of design and construction is authorized to use this procurement process for eight projects.]

3. Other state governmental units may procure these services in accordance with section 8.235.

4. A governmental unit may use designated funds, bonds, or master lease for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

5. Other state governmental agencies shall participate in the procurement of these services, in accordance with sections 8.231 and 8.237 with implementation starting on or prior to June 1, 2006.

8.237. 1. The office of administration shall develop a statewide plan of energy cost saving measures for the buildings and facilities of the

state and its governmental units. The plan shall be designed to expedite energy cost savings measures on a cost effective basis. The office of administration shall divide the buildings and facilities of the state by its administrative agencies such that numerous qualified providers of varying capacity shall be eligible to submit requests for proposals or request for qualifications. The office of administration shall give preference to Missouri companies as provided for in sections 34.070 and 34.073, RSMo and relevant executive orders. Prior to the office of administration entering into such contract, it shall solicit competitive sealed proposals from entities that best meet the needs of the governmental unit. Each governmental unit, as defined in section 8.231, prior to entering into a contract for the implementation of any significant energy conservation or facility improvement measure identified by the office of administration, shall meet the following requirements:

(1) Obtain a report from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, repairs, and financing; and

(2) The report shall guarantee to such governmental unit an amount of cost savings in energy or operating costs, as defined in section 8.231 if such installation, modification, or remodeling is performed by that entity.

2. For purposes of this section, “energy conservation and facility improvement measure” designed to reduce energy consumption, as defined in section 8.231 includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration systems, and window and door system modifications.

3. Energy savings shall be guaranteed by the entity for the entire term of the contract, and such reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures shall be provided in a manner that meets the needs of the governmental unit.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Nodler, **HS** for **HB 1599**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 1150**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 1433**, introduced by Representative Wood, entitled:

An Act to repeal sections 278.258, 644.076, 701.031, 701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof eleven new sections relating to regulation of water and sewer systems.

Was taken up by Senator Childers.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 1433, Page 5, Section 249.1152, Line 1, by inserting at the end of said line the following: “**of the third classification**”.

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

On motion of Senator Childers, **HS** for **HCS** for **HB 1433**, 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.

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

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

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

HCS for HB 1115, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the commonsense consumption act, with an effective date.

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

On motion of Senator Gross, **HCS for HB 1115** 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	Yeckel—32

NAYS—Senators—None

Absent—Senators

Coleman Wheeler—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.

REFERRALS

President Pro Tem Kinder referred **HB 1548**, with **SCS**; **HCS** for **HB 1403**, with **SCS**; **HCS** for **HB 855**, with **SCS**; and **HCS** for **HB 1118**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HCS** for **HB 1182**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1182**, as amended, was again taken up.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Mathewson moved that the vote by which **SA 3** was adopted be reconsidered, 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
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Quick Russell Scott—4

Absent with leave—Senators—None

SA 3 was again taken up.

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

Senator Mathewson offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

“100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) “Assessment”, an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) “Board”, the Missouri development finance board as created by section 100.265;

(3) “Certificates”, the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) “Credit”, the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

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

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

(7) “Economic development project”:

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, “economic development project” shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of

the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) “Eligible employee”, a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) “Eligible industry”, a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. “Eligible industry” does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that

the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo, **in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project.** An industry that meets the definition of “essential industry” may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;

(10) “Essential industry”, a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs

at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) “New job”, a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) “Office industry”, a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

(13) “Program costs”, all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording

fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

(14) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

(15) "Targeted industry", an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth and affirmed as such by the joint committee on economic development policy and planning established in section 620.602, RSMo.

100.850. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually. **If the approved company shall be a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, the aggregate amount of tax credits authorized by subsection 4 of this section shall be increased to eleven million nine hundred fifty thousand dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax."; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 3, Section 148.330, Line 13, by inserting after the word "Constitution" the following: "**until such time as the New Generation Cooperative Incentive Tax Credit, created pursuant to Section 348.432, RSMo, may be repealed by the General Assembly.**".

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

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, be read the 3rd time and finally passed.

Senator Klindt was recognized to close.

At the request of Senator Gibbons, **SS** for **SCS** for **HCS** for **HB 1182**, as amended, was referred to the Committee on Governmental Accountability and Fiscal Oversight.

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 adopted **SCS**, as amended, for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489** and has taken up and passed **SCS** for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HBs 998** and **905** and has taken up and passed **SS** for **HCS** for **HBs 998** and **905**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for

HCS for **HB 833** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 833**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1215** and has taken up and passed **SCS** for **HCS** for **HB 1215**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HBs 1071**, **801**, **1275** and **989** and has taken up and passed **SCS** for **HBs 1071**, **801**, **1275** and **989**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 920**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 920, Section 306.169, Line 3, by deleting after the word "section" the number "306.167" and inserting in lieu thereof the number "306.165"; 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 **HS** for **HCS** for **SCS** for **SB 1269**, entitled:

An Act to repeal sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 71.620, 94.270, 100.710, 144.757,

144.759, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to sales and use tax authorized in certain districts.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1269, Page 57, Section 94.270, Line 23 of said page, by deleting the words “**twenty-five**” and by inserting in lieu thereof the words “**twenty-seven**”; and

Further amend said section, Page 58, Lines 9 and 10 of said page, by deleting the words “**thirteen dollars**” and by inserting in lieu thereof the words “**thirteen dollars and fifty cents**”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1288**, as amended. Representatives: Threlkeld, Guest, St. Onge, Wharton and Henke.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended. Representatives: Pratt, Wasson, Brown, Johnson (90) and Selby.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HB 1487**, as amended. Representatives: Self, Goodman, Smith (118), Jolly and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 1000**, entitled:

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1000, Section 650.055, Page 10, Line 15, by inserting after all of said line the following:

“9. Notwithstanding the sovereign immunity of the state, an individual who is determined to be “actually innocent” of a crime may be paid restitution in accordance with this subsection. The individual may receive an amount of \$50.00 per day for each day of post-conviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court within one year of the release from confinement after August 28, 2003. For the purposes of this subsection the term “actually innocent” shall mean:

(a) The individual was convicted of a felony for which a final order of release was entered by the court;

(b) All appeals of the order of release have been exhausted;

(c) The individual was not serving any term

of a sentence for any other crime concurrently with the sentence for which they are determined to be actually innocent; and

(d) Testing ordered pursuant to section 547.035, RSMo demonstrates a person's innocence of the crime for which the person is in custody.

An individual who receives restitution pursuant to this subsection shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This subsection shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. All restitution paid pursuant to this subsection shall be paid from moneys in the DNA profiling analysis fund. The department shall determine the aggregate amount of restitution owed during a fiscal year. If moneys remain in the fund on June 30th of each fiscal year, the remaining moneys shall be used to pay restitution to those individuals who have received an order awarding restitution under this subsection during the past fiscal year. If insufficient moneys remain in the fund on June 30th of each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount such person is owed. The remaining amounts owed to such individual shall be paid from the fund on June 30th of each subsequent fiscal year, provided moneys remain in the fund on June 30th, until such time as the restitution to the individual has been paid in full. No interest on unpaid restitution shall be awarded to the individual. If there are no moneys remaining in the DNA profiling analysis fund, then no payments shall be made under this subsection. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831, RSMo.

10. If the results of the DNA testing confirm

the person's guilt, then the person filing for DNA testing under section 547.035, RSMo shall:

(a) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(b) Be sanctioned under the provisions of section 217.262, RSMo.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1000, Page 6, Section 650.055, Line 9, by inserting after the word “RSMo.]”; the following:

“or has been determined beyond a reasonable doubt to be a sexually violent predator pursuant to 632.480 to 632.513, RSMo;”.

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 **SB 932**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 932**, as amended. Representatives: Wilson (130), Hunter, Smith (118), George and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House refuses to recede from its position on **HCS** for **SB 884** 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 **SS** for **SCS** for **HCS** for **HB 1288**, as amended: Senators Griesheimer, Steelman, Clemens, Mathewson and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 884**: Senators Klindt, Bartle, Gibbons, Jacob and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HB 1487**, as amended: Senators Scott, Bartle, Steelman, Bray and Days.

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

RECESS

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

CONFERENCE COMMITTEE REPORTS

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1081

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee

Substitute for Senate Bill No. 1081, House Amendments Nos. 1, 2, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Peter Kinder	/s/ Bryan Pratt
/s/ Charles R. Gross	/s/ Jay Wasson
/s/ Carl M. Vogel	/s/ Jason Brown
/s/ Victor E. Callahan	Rick Johnson, 90
/s/ Maida J. Coleman	Harold Selby

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

YEAS—Senators

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

NAYS—Senators

Goode	Quick—2
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Absent—Senators

Bland	Clemens	Stoll	Wheeler—4
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Absent with leave—Senators—None

On motion of Senator Kinder, **CCS** for **HS** for

HCS for SS for SCS for SB 1081, entitled:
 CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

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

YEAS—Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel—29			

NAYS—Senators		
Bray	Goode	Quick—3
Absent—Senators		
Bland	Wheeler—2	
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.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 920**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment 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
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—32

NAYS—Senators—None

Absent—Senators	
Bland	Wheeler—2

Absent with leave—Senators—None

On motion of Senator Caskey, **SB 920**, as amended by **HA 1**, 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	Yeckel—32

NAYS—Senators—None

Absent—Senators	
Quick	Wheeler—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 Gibbons moved that motion lay on the

table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SB 1299**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1299** was again taken up.

Senator Loudon moved that **HCS** for **SB 1299** 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	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

On motion of Senator Loudon, **HCS** for **SB 1299** 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 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.

Bill ordered enrolled.

Senator Yeckel moved that **SCS** for **SB 1269**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 1269**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1269

An Act to repeal sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 71.620, 94.270, 100.710, 144.757, 144.759, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to sales and use tax authorized in certain districts.

Was taken up.

Senator Yeckel moved that **HS** for **HCS** for **SCS** for **SB 1269**, as amended, be adopted.

At the request of Senator Yeckel, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Bartle moved that **SS** for **SB 1000**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SB 1000**, as amended,

entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 1000

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle moved that **HS** for **HCS** for **SS** for **SB 1000**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators—None

On motion of Senator Bartle, **HS** for **HCS** for **SS** for **SB 1000**, 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	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 Bartle, title to the bill was agreed to.

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

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

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1317, introduced by Representative Kingery, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Boy Scouts.

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

On motion of Senator Gibbons, **HB 1317** 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 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.

HCS for **HB 1405**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

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

On motion of Senator Callahan, **HCS** for **HB 1405** 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 Callahan, title to the bill was agreed to.

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

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

HB 1114, introduced by Representative Skaggs, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new section relating to special

license plates.

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

On motion of Senator Loudon, **HB 1114** 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
Yeckel—33			

NAYS—Senators—None

Absent—Senator Wheeler—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.

President Maxwell assumed the Chair.

HB 1167, introduced by Representative Kelly (144), et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

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

On motion of Senator Clemens, **HB 1167** 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 Clemens, title to the bill was agreed to.

Senator Clemens 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 1284, entitled:

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

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

On motion of Senator Dolan, **HCS for HB 1284** 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—Senator Quick—1

Absent—Senators—None

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.

Senator Nodler moved that **HS for HB 1599**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

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

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1, Section 21.820, Line 2, by deleting from said line “Joint Committee on Waste, Fraud, and Abuse” and inserting in lieu thereof “**Joint Committee on Government Accountability**”; and

Further amend page 2, same section, lines 18 to 19, by deleting said lines and inserting in lieu thereof “**(1) Make a continuing study and analysis of inefficiencies, fraud and misconduct in state government;**”; and

Further amend same page, same section, line 27, by deleting “.” from said line and inserting in lieu thereof the following “**; (5) Identify and acknowledge government agencies and officials who perform functions in an efficient and effective manner.**”.

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

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1,

Section A, Line 2, by inserting after all of said line the following:

“8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the [division of design and construction] **office of administration** is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

(1) The specialized experience and technical competence of the firm or team with respect to the type of services required;

(2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project. **The scope of work identified in the report of energy audit findings shall be developed and executed in a manner that best meets the needs of the governmental unit. For the purposes of this section and section 8.237, RSMo, “best meets the needs of governmental unit” means, but is not limited to, on a cost effective and timely basis but not otherwise inconsistent with the provisions provided herein; and**

(3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.

2. [Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.

3.] The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.

[4. The division of design and construction is authorized to use this procurement process for eight projects.]

3. Other state governmental units may procure these services in accordance with section 8.235.

4. A governmental unit may use designated funds, bonds, or master lease for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

5. Other state governmental units shall participate in the procurement of these services, in accordance with sections 8.231 and 8.237 with implementation beginning on or prior to June 1, 2006.

8.237. 1. The office of administration shall develop a statewide plan of energy conservation and cost savings for the buildings and facilities of the state. The plan shall be designed to implement energy conservation and cost savings on a cost effective basis. The office of administration shall divide the buildings and facilities of the state by its administrative agencies such that numerous qualified providers of varying capacity shall be eligible to submit requests for proposals or request for qualifications. The office of administration shall give preference to Missouri companies as provided for in sections 34.070 and 34.073, RSMo and relevant executive orders. Prior to the office of administration entering into such contract, it shall solicit sealed proposals from entities that best meet the needs of the governmental unit. Each governmental unit, as defined in section 8.231, prior to entering into a contract for the implementation of any significant energy conservation or facility improvement measure identified by the office of administration, shall meet the following requirements:

(1) Obtain a report of energy audit findings from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, repairs, and financing; and

(2) The proposal shall guarantee to such governmental unit an amount of cost savings in

energy or operating costs, as defined in section 8.231 if such installation, modification, or remodeling is performed by that entity.

2. For purposes of this section, “energy conservation and facility improvement measure” designed to reduce energy consumption, as defined in section 8.231 includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration systems, and window and door system modifications.

3. The entity shall contractually guarantee energy savings as appropriate and in a manner that meets the needs of the governmental unit.

4. With regard to energy cost savings in section 8.235 and this section, subject to appropriations, funding may be provided by the office of administration's revolving administrative trust fund, general revenue, or other appropriate fund source.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler moved that **SCS for HS for HB 1599**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HS for HB 1599**, 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 Nodler, title to the bill was agreed to.

Senator Nodler 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 HBs 946, 1106 and 952, with **SCS**, entitled:

An Act to repeal sections 21.795, 50.515, 226.030, 226.060, 226.527, 227.120, 301.010, and 304.190, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with an emergency clause.

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

SCS for HCS for HBs 946, 1106 and 952, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 946, 1106 and 952

An Act to repeal sections 21.795, 50.515, 226.030, 227.120, 301.010, 301.062, 304.190, 304.580, and 307.178, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with an emergency clause.

Was taken up.

Senator Dolan moved that **SCS for HCS for HBs 946, 1106 and 952** be adopted.

Senator Dolan offered **SS for SCS for HCS for HBs 946, 1106 and 952**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 946, 1106 and 952

An Act to repeal sections 21.795, 50.515, 190.044, 190.050, 190.051, 190.092, 190.094, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 226.030, 226.060, 227.120, 227.290, 227.303, 238.207, 238.210, 238.215, 238.216, 238.217, 238.220, 238.227, 238.233, 238.235, 238.236, 238.242, 238.252, 238.257, 301.010, 301.062, 301.129, 301.130, 301.190, 302.230, 304.170, 304.190, 304.351, 304.580, 307.178, 307.366, 321.130, 321.180, 321.554, 321.556, 389.610, 389.612, 390.201, 407.567, 622.350, and 643.315, RSMo, and to enact in lieu thereof eighty-eight new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 17, Section 190.092, Line 12, by inserting after the word “circumstances.” the following: **“The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, and the licensed physician who reviews and approves the clinical protocol, shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator, provided that all other requirements of this section have been met.”**.

Senator Childers moved that the above

amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 63, Section 226.060, Line 4, by inserting after all of said line the following:

“226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.

2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section 226.570.

3. In the event any portion of this chapter is found in noncompliance with Title 23, United States Code, section 131, by the Secretary of Transportation or his representative, and any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are withheld, or declared forfeited by the Secretary of Transportation or his representative, all removal of outdoor advertising by the Missouri state highways and transportation commission pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full. Such cessation of removal shall not be construed to affect

compensation for outdoor advertising removed or in the process of removal pursuant to this chapter.

4. In addition to any applicable regulations set forth in sections 226.500 through 226.600, signs within an area subject to control by a local zoning authority and wherever located within such area shall be subject to reasonable regulations of that local zoning authority relative to size, lighting, spacing, and location; provided, however, that no local zoning authority shall have authority to require any sign within its jurisdiction which was lawfully erected and which is maintained in good repair to be removed without the payment of just compensation. **The requirement by a local zoning authority that a legally erected outdoor advertising structure be removed or altered as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than outdoor advertising, including a request for rezoning, constitutes a compelled removal or alteration, which is prohibited without the payment of just compensation as required by this subsection.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 25, Section 307.178, Lines 14-15, by striking said lines and inserting in lieu thereof the following: “Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required] **or as provided** in section [210.104, RSMo] **307.179.**”; and further amend lines 27 and 28, by striking said lines and inserting in lieu thereof the following:

“more[, but less than sixteen years of age,] shall

secure the child in a properly adjusted and fastened [safety belt] **restraint pursuant to section 307.179.**”; and

Further amend said bill and section, Page 26, Line 42, by striking the following: “or 3” and inserting in lieu thereof the following: “or [3] **7**”; and further amend said bill, page and section, lines 55 and 56, by striking said lines and inserting in lieu thereof the following: “of a motor vehicle, then the [driver and] passengers [are not in violation of this section] **who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed pursuant to section 302.178, RSMo.**

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

(1) “**Child booster seat**”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

(2) “**Child passenger restraint system**”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;

(3) “**Driver**”, a person who is in actual physical control of a motor vehicle.

2. Every person transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child as follows:

(1) **Children less than four years of age, regardless of weight, or children weighing less than forty pounds, regardless of age, shall be**

secured in a child passenger restraint system appropriate for that child;

(2) Children four through five years of age shall be secured in a child passenger restraint system or booster seat appropriate for that child;

(3) Children at least six years of age shall be secured by a vehicle safety belt, child passenger restraint system, or booster seat;

(4) A child weighing more than forty pounds, who would otherwise be required to be secured in a booster seat, may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars and court costs. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for violation of this section. If a person receives a citation for violating this section, the charges shall be dismissed or withdrawn if the person prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the person's citation.

4. The provisions of this section shall not apply to any public carrier for hire or to school buses as defined in section 301.010, RSMo, unless such school bus has been equipped with safety belts or is required to be equipped with safety belts pursuant to federal motor vehicle safety standards.

5. The department of transportation shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of this section. The department of transportation may promulgate rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section

536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.”; and

Further amend said bill and page, Section 2, Line 3, by inserting after all of said line the following:

“[210.104. 1. Every person transporting a child under the age of four years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child. Such child shall be protected by a child passenger restraint system approved by the department of public safety.

2. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars and court costs.

3. The provisions of sections 210.104 to 210.107 shall not apply to any public carrier for hire.]

[210.107. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of sections 210.104 to 210.107. The department of public safety shall, within thirty days of September 28, 1983, promulgate standards for the performance, design, and installation of passenger restraint systems for children

under four years of age in accordance with federal motor vehicle safety standards and shall approve those systems which meet such standards. No rule or portion of a rule promulgated under the authority of sections 210.104 to 210.107 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]; and

Further amend said bill and page, Section B, Line 8, by inserting after all of said line the following:

“Section C. The enactment of section 307.179, the repeal and reenactment of section 307.178, and the repeal of sections 210.104 and 210.107 of section A of this act shall become effective January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered SSA 1 for SA 3, which was read in part:

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

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 12, Section 50.515, Line 12, of said page, by inserting after all of said line the following:

“50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 10 and 11 of section 571.101, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the “County Sheriff's Revolving Fund” to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body

of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. [This fund shall only be used by law enforcement agencies for the purchase of equipment and to provide training.] If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency.

3. Notwithstanding any other provision of this section to the contrary, the sheriff of every county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all reasonable and necessary costs and expenses related to accepting and processing the application required pursuant to section 571.101, RSMo. The application and renewal fees to be charged pursuant to section 571.101, RSMo, shall be based on the sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and expenses to be incurred by the reason of compliance with section 571.101, RSMo. If the fee permitted by section 571.101, RSMo, exceeds one hundred dollars, the sheriff shall provide specific and verified evidence of the actual costs and expenses incurred to the office of administration upon certification by the attorney general.

4. If pursuant to subsection 12 of section 571.101, RSMo, the sheriff of a county of the first classification designates one or more chiefs of police of any town, city, or municipality within such county to accept and process applications for certificates of qualification to obtain a concealed carry endorsement, then that sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses related to accepting and processing such applications.”; and

Further amend said bill, Page 180, Section 407.567, Line 9 of said page, by inserting after all of said line the following:

“571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-three years of age, is a citizen of the United States and either:

(a) Has resided in this state for at least six months; or

(b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military;

(2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence

within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) Has not been discharged under dishonorable conditions from the United States armed forces;

(6) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a certificate of qualification as defined in subsection 3 of this section;

(9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(10) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of

qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant is a resident of the state of Missouri and has been a resident thereof for the last six months or is a member of the armed forces stationed in Missouri or the spouse of such a member of the armed forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-three years of age;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years

or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or

2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to

deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004,

unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For **accepting and** processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee [not to exceed one hundred dollars] which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund **in order to cover any reasonably related expenses.**

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term sheriff shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.”; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Dolan raised the point of order that **SSA 1** for **SA 3** is out of order, as it is not germane to the subject matter of the bill or the underlying amendment; and further is not a true substitute amendment.

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

SA 3 was again taken up.

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

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 12, Section 50.515, Line 12, of said page, by inserting after all of said line the following:

“137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the

assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise,

there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, **one-half of one percent; [and]**

(5) Aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built

from a kit, five percent;

[(5)] (6) Poultry, twelve percent; and

[(6)] (7) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the

removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall

conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a “drive-by inspection” or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2003, for any taxing jurisdiction which has at least seventy-five percent of the land area of such jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1,

2005, for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Pages 63-65, Section 227.120, by striking said section from the bill; and

Further amend said bill, page 222, Section B, Line 22 of said page, by striking the following: “ensure” and further amend lines 23 thru 25 of said page, by striking said lines; and further amend line 32 of said page, by striking “sections 227.120 and” and inserting in lieu thereof the following: “section”; and

Further amend the title and enacting clause accordingly.

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

Senator Foster offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 68, Section 227.352, Line 12, by inserting after all of said line the following:

“227.353. The portion of U.S. 412 in Dunklin County from the eastern city limits of Kennett, Missouri, to the western city limits of Hayti, Missouri, within Pemiscot County shall be designated the “Governor John M. Dalton Memorial Highway”.”; and

Further amend the title and enacting clause

accordingly.

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

Senator Childers offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 168, Section 321.554, Line 18, of said page, by striking said line and inserting in lieu thereof the following: “**classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any**”; and

Further amend said bill, Page 171, Section 321.556, Line 4 of said page, by striking said line and inserting in lieu thereof the following: “**classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any**”.

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

Senator Dougherty offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 144, Section 302.233, Line 2, by inserting after all of said line the following:

“304.031. 1. As used in this section, “Traffic Signal Preemption System (TSPS)” shall mean a traffic-control system designated for use by emergency vehicles, as defined in section 304.031, to improve traffic movement by temporarily controlling signalized intersections.

2. The owner of a traffic control signal may authorize use of a TSPS by the following persons for the following purposes:

(1) An authorized operator in an authorized emergency vehicle, in order to improve the safety and efficiency of emergency response

operations;

(2) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would;

(3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.

3. A TSPS used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.

4. A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection.

5. It shall be unlawful for any person not approved herein to use a TSPS to control traffic.

6. Violation of this section shall be deemed a class B misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Days offered SA 1 to SA 8, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 2, Section 304.031, Line 8, by inserting after all of said line the following:

“7. No person shall be convicted of running a red light or traffic signal if it is shown by competent evidence that the local law enforcement agency was using a TSPS device to generate revenue or otherwise cause the motorist to improperly run the red light or

traffic signal”.

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

SA 8, as amended, was again taken up.

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

Senator Nodler offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 176, Section 389.612, Line 10, by inserting after “vehicle.” the following: “**The owner of a commercial motor vehicle, as defined in section 301.010, shall pay a railroad crossing safety fee of twenty-five cents when such person registers or renews the registration of a commercial motor vehicle.**”.

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

Senator Scott offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 178, Section 390.201, Line 4, by deleting said section in its entirety; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 157, Section 304.580, Line 19, of said page, by inserting after all of said line the following:

“**307.156. Any person, firm, or corporation which owns or operates a business engaged in**

whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 12, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Pages 134-135, Section 301.130.9, by deleting said subsection.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, SA 12 was withdrawn.

Senator Bartle assumed the Chair.

Senator Goode offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 143, Section 301.190, Line 2, of said page, by inserting after all of said line the following:

“**301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the**

transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

- (1) A description of the motor vehicle or trailer sufficient to identify it;
- (2) The vehicle identification number of the motor vehicle or trailer;
- (3) The name and address of the transferee;
- (4) The date of birth of the transferee, unless the transferee is not a natural person;
- (5) The date of the transfer or sale;
- (6) The purchase price of the motor vehicle or trailer, if applicable;
- (7) The number of the transferee's drivers license, unless the transferee does not have a drivers license;
- (8) The printed name and signature of the transferee;
- (9) Any other information required by the department by rule.

2. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

3. The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of beneficial ownership of a motor vehicle owned by a trust.

4. Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state

under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

5. Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280.

301.197. 1. Beginning January 1, 2006, upon receipt of a notification of transfer described in section 301.196, the department shall make a notation on its records indicating that it has received notification that an interest in the motor vehicle or trailer has been transferred. The notation shall be made whether or not the form submitted to the department contains all the information required by section 301.196, so long as there is sufficient information to identify the motor vehicle or trailer and the name and address of the transferee. Thereafter, until a new title is issued, when the department is asked or is required by law to provide the name of the owner or lienholder of a motor vehicle or trailer as shown on its records, the department shall provide the name of the owner or lienholder recorded on the latest title or lien perfection of record and indicate that department records show a notification of transfer but do not show a title transfer. The department shall also provide the name of the transferee, if otherwise permitted by law, if it is shown on the form submitted by the transferor pursuant to section 301.196.

2. If the department does not receive an application for title from the person named as transferee in a form submitted pursuant to section 301.196 within sixty days of the receipt of the form, the department shall notify the transferee to apply for title. Notification shall be made as soon after the sixtieth day after receipt of the form as is convenient for the department. The provisions of this subsection shall be in addition to the requirements of section 301.190.

3. The department may adopt rules for the implementation of section 301.196 and this

section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Notwithstanding section 226.200, RSMo, to the contrary the general assembly may appropriate state highways and transportation department funds for the requirements of sections 301.196, 301.198, and 301.280, and this section.

301.198. 1. Beginning January 1, 2006, a person commits the offense of knowingly submitting false information about transfer of a vehicle if the person submits a notice of transfer of an interest in a motor vehicle or trailer as described in section 301.196 to the department of revenue and the person knows that some or all of the information contained in the notice is false. The offense described in this section, knowingly submitting false information about transfer of a vehicle, is a class C misdemeanor.

2. Any person who fails to submit the required notice pursuant to section 301.196 shall be guilty of an infraction. If the failure to submit the required notice was done to assist the transferee to avoid applying for title, paying applicable registration fees or other fraudulent purposes, then the person shall be guilty of a class C misdemeanor.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: Date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name

and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all [twenty-day] **thirty-day** temporary permits, without exception, shall be recorded in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. **Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation.** Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. **Beginning January 1, 2006, the monthly sales report required by this subsection may be filed electronically. Beginning January 1, 2007, every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any**

dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for three years and be open for inspection by law enforcement officials and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the

municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.”; and

Further amend said bill, Page 144, Section 302.233, Line 2 of said page, by inserting after all of said line the following:

“304.154. 1. Beginning January 1, 2005, a towing company operating a tow truck pursuant to the authority granted in section 304.155 or 304.157 shall:

(1) Have and occupy a verifiable business address;

(2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles;

(3) Be available twenty-four hours a day, seven days a week. Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request;

(4) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least five hundred thousand dollars per incident;

(5) Provide workers' compensation insurance for all employees of the towing company if required by chapter 287, RSMo; and

(6) Maintain current motor vehicle registrations on all tow trucks currently operated within the towing company fleet.

2. Counties may adopt ordinances with respect to towing company standards in addition to the minimum standards contained in this section. A towing company located in a county of the second, third, and fourth classification is exempt from the provisions of this section.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, **or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;**

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for forty-eight hours, **or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;**

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080, RSMo;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010, RSMo, where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water.

2. The state transportation department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the roadway of any state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall

be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property

pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, **the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156. If the tower does not have online access,** the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company **that does not have online access to the department's records and that is** in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

- (1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the property noted by the officer authorizing the tow;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed property;
- (5) The name, telephone number and address of the towing company;

(6) The date, place and reason for the towing of the abandoned property;

(7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;

(8) The signature and printed name of the officer authorizing the tow [and the towing operator]; and

(9) The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records;

(10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any

personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, **including copies of any online records of the towing company accessed** and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, RSMo, any towing company

who has complied with the notification provisions in section 304.156, including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in 301.227, RSMo, on vehicles purchased on a bill of sale pursuant to this section.

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol,

state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all

entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification.

5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

(2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the

real property;

(3) The license plate or registration number and the state of issuance, if available;

(4) The physical location of the property and the reason for requesting the property to be towed;

(5) The date the report is completed;

(6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;

(7) The towing company's name and address;

(8) The signature of the towing operator;

(9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

(10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and

(11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to

subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, **and if the tower has online access to the department of revenue's records, the tower shall comply with the requirements of section 301.155, RSMo.** If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor.”; and

Further amend said bill, Page 180, Section 407.567, Line 9 of said page, by inserting after all of said line the following:

“577.080. 1. A person commits the crime of abandoning a motor vehicle **or trailer** if he abandons any motor vehicle **or trailer** on the

right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.

2. For purposes of this section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197, RSMo, shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this section if the motor vehicle or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.

3. Abandoning a motor vehicle or trailer is a

class A misdemeanor.

4. Any person convicted pursuant to this section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the motor vehicle or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to section 304.156, RSMo, shall remain the liability of the person convicted pursuant to this section so long as the towing company, as defined in chapter 304, RSMo, provided the title owner and lienholders, as ascertained by the department of revenue records, a notice within the timeframe and in the form as described in subsection 1 of section 304.156, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 114, Section 238.257, Line 27, by inserting after all of said line the following:

“300.330. The driver of a **motor** vehicle shall not drive within any sidewalk **bicycle lane shall not be obstructed by a parked or standing motor** area except as a permanent or temporary driveway. A **designated vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this section, the term “designated bicycle lane” shall mean a portion of the roadway or highway which has**

been designated by the governing body having jurisdiction over such roadway or highway by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle, **human powered vehicle, or motorcycle** shall exercise the highest degree of care to avoid colliding **upon a roadway** with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], **any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle** and shall exercise [proper precaution] **the highest degree of care** upon observing any child or any confused or incapacitated person upon a roadway.

300.411. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle until the motor vehicle is safely past the bicycle.

2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian until the vehicle is safely past the pedestrian.”; and

Further amend said bill, Page 157, Section 304.580, Line 19, by inserting after all of said line the following:

“304.675. 1. The governing body of a county or municipality may establish a maximum speed limit within a school zone not less than twenty miles per hour. Such speed limit shall be in force only during those times thirty minutes before, during, and thirty minutes after the periods of time when students are arriving at a regularly scheduled school session and leaving a regularly scheduled school session. As used in this section, the term “school zone” means property on which a school building is located and the sections of street or highway on or

adjacent to the school property that are designated by signs indicating that it is a school and showing the posted limit or a section of street or highway where a school crossing is located that is designated by signs indicating that it is a school crossing and showing the posted speed limit. The state highways and transportation commission shall approve a speed limit in school zones on state or federal highways before the same shall become effective.

2. The governing body of a county or municipality may establish a speed limit within a school zone lower than twenty miles per hour if it finds, in conjunction with the school board, that a lower limit is needed to promote public safety, and the governing body of a county or municipality may extend the hours which the school zone speed limit is in force, if it finds, in conjunction with the school board, that extended hours for the school zone speed limit are needed to promote public safety. The establishment of any speed limit within a school zone lower than twenty miles per hour shall be in accordance with sections 304.010, 304.120, and 304.130.

3. The governing body of a county or municipality may provide that fines for any traffic violation within a school zone during the hours when the school zone speed limit is in effect shall be double the usual amount, and may erect signs in school zones indicating that fines are doubled.

304.677. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle, human powered vehicle, or motorcycle shall exercise the highest degree of care to avoid colliding upon any roadway with any pedestrian, any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle, and shall exercise the highest degree of care upon observing any child or any confused or incapacitated person

upon a roadway.

304.678. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle until the motor vehicle is safely past the bicycle.

2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian until the vehicle is safely past the pedestrian.”; and

Further amend said bill, Page 160, Section 307.178, Line 3, by inserting after all of said line the following:

“307.180. As used in sections 307.180 to 307.193:

(1) The word “bicycle” shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one or two forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters and similar devices;

(2) The term “motorized bicycle” shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

307.191. Bicycle travel on the shoulder of the roadway, including travel on four-lane limited access highways, shall be permitted except where local ordinances and federal regulations or administrative rules promulgated by the state highways and transportation commission prohibit such shoulder travel. Roadways where shoulder bicycle travel is prohibited shall be clearly marked with signs.

On all other streets and highways where bicycle travel on shoulders is permitted, bicycle travel on the roadway in accordance with section 307.190 shall not be restricted.”; and

Further amend said bill, page 180, section 407.567, line 9, by inserting after all of said line the following:

“537.038. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle, human powered vehicle, or motorcycle shall exercise the highest degree of care to avoid colliding upon any roadway with any pedestrian, any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle, and shall exercise the highest degree of care upon observing any child or any confused or incapacitated person upon a roadway.

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if [he] **the person:**

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person **or;**

(3) In operating a vehicle, recklessly causes the death of another person.

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if:

(1) [He] **The person** acts with criminal negligence to cause the death of any person; **or**

(2) **The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and causes or contributes to the death of any person.**

4. Involuntary manslaughter in the second

degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if [he] **the person:**

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to another person by means of discharge of a firearm; **or**

(6) In operating a vehicle, recklessly causes serious physical injury to another person.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.

565.070. 1. A person commits the crime of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or

(2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or

(3) The person purposely places another person in apprehension of immediate physical injury; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

(5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

(6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would consider offensive or provocative; or

(7) In operating a vehicle, the person recklessly causes physical injury to another person.

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills No. 946, 1106 and 952, Page 135, Section 301.130, Line 14, of said page, by inserting after all of said line the following:

“301.132. 1. [Any motor vehicle manufactured in 1948 or before which is modified for safe road

use, including but not limited to modifications to the drive train, suspension, brake system, and any safety or comfort apparatus and which is not owned solely as a collector's item and which is not used or intended to be used solely for exhibition and educational purposes only, may be specially registered as a “street rod” upon payment of an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, verified by affidavit, providing that such vehicle meets the requirements which shall be issued by the director for classification as a “street rod”, and a certificate of registration shall be issued therefor.

3. The director shall issue to the owner of any motor vehicle registered under this section two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: “Street Rod”, “State of Missouri”. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory committee established in section 301.129 shall determine the characteristic features of such license plates for vehicles registered under the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Motor vehicles registered under this section are subject to the motor vehicle safety inspection requirements of sections 307.350 to 307.390, RSMo.] **For purposes of this section, “street rod” is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design**

or has a body constructed from nonoriginal materials.

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture.

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses, and will not be used for general daily transportation.

5. In addition to the certification required pursuant to subsection 4 of this section, when applying for registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a safety inspection in accordance with section 307.350, RSMo.

6. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Street Rod", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such; except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

7. Unless the presence of the equipment was

specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

8. Except as provided in subsection 5 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

9. A custom vehicle means any motor vehicle that:

(1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and

(2) Has been altered from the manufacturer's original design or has an entire body constructed from nonoriginal materials.

10. The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture.

11. For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

12. In applying for registration of a custom vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses, and will not be used for general daily transportation.

13. In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a

safety inspection in accordance with section 307.350, RSMo.

14. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: “Custom Vehicle”, “State of Missouri”. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such; except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130.

15. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

16. Except as provided in subsection 12 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

17. For purposes of this section, “blue dot tail light” is a red lamp installed in the rear of a motor vehicle containing a blue or purpose insert that is not more than one inch in diameter.

18. A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.”; and

Further amend the title and enacting clause accordingly.

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

Senator Klindt offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 68, Section 227.352, Line 12, by inserting after the end of said line the following:

“227.355. The portion of U.S. Highway 65 contained within Mercer County shall be designated the “Robert Taylor Kelly Memorial Highway”. Costs for such designations shall be paid by private donations.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bland offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 180, Section 407.567, Line 9, by inserting after said line the following:

“590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle [for a violation of any motor vehicle statute or ordinance], that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) The [traffic violation or violations alleged to have been committed that led to] **reasons for** the stop;

(3) Whether a search was conducted as a result of the stop;

(4) If a search was conducted, whether the

individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

(5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

(6) Whether any warning or citation was issued as a result of the stop;

(7) If a warning or citation was issued, the violation charged or warning provided;

(8) Whether an arrest was made as a result of either the stop or the search;

(9) If an arrest was made, the crime charged; and

(10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply

with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, be read the 3rd time and finally passed.

Senator Dolan was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

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 **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, entitled:

An Act to repeal sections 105.454, 160.254, 160.261, 160.570, 162.081, 162.261, 163.031, 163.036, 165.301, 167.020, 167.031, 167.051, 167.171, 168.110, 168.124, 168.126, 168.211, 168.515, 172.360, 209.321, 210.145, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Pages 22 to 28, Section 162.081, by deleting all of said section from the bill; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Page 80, Section 209.321, Lines 23-24 of said page, by striking all of said lines; and

Further amend said bill and section, Page 81, Lines 1-18 of said page, by striking all of said lines and inserting in lieu thereof the following:

“8. (1) The board for certification of interpreters shall grant a provisional certificate in education for any applicant who meets either of the following criteria:

(a) The applicant possesses a current valid certification in the Missouri interpreters certification system at either the novice or apprentice level and holds a valid license to provide interpreting services; or

(b) The applicant has submitted an application for certification in the Missouri interpreters certification system and an application for an interpreting license pursuant to sections 209.319 to 209.339 and has taken the written test and performance test or attests that he will complete the certification and licensure applications and take the written test within sixty days following the date of application for a provisional certificate in education and will complete the performance test within sixty days following passage of the written test.

(2) The board shall issue the provisional certificate in education within ten business days

following receipt of a complete application.

(3) A provisional certificate issued under paragraph a of subdivision 1 of this subsection shall be valid for a term of three years and shall be renewed by the board, upon request by the certificate holder, for one additional term of three years if the certificate holder is reevaluated during the first term of issuance and achieves a higher level of certification in the Missouri interpreter certification system.

(4) A provisional certificate issued under paragraph b of subdivision 1 of this subsection shall be valid for one year and shall be renewed, upon request of the certificate holder, pursuant to subdivision 3 of this subsection if the certificate holder is reevaluated during the term of issuance and achieves a certification in the Missouri interpreters certification system. Such renewed certificate shall be subject to the term length and renewal provisions of subdivision 3 of this subsection.

(5) A provisional certificate in education shall be limited to providing interpreting services in preschool, elementary and secondary school settings or as allowed by any other valid Missouri certification or license held by the individual.

(6) A provisional certificate in education may be revoked by the board if the person makes any misrepresentations or fails to fulfill any commitment made pursuant to paragraph b of subdivision 1 of this subsection, or violates section 209.317 or 209.334 or breaks any of the ethical rules of conduct for interpreters as established by state rule or fails to obtain the necessary continuing education credits required for certification maintenance.”.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Section 167.166, Page 59, Line 12 of said page, by inserting after the words “**employee**

of” the following: “**or volunteer at**”; and

Further amend said section and page, Lines 20 and 21 of said page, by deleting the words “**probable to cause**” and inserting in lieu thereof the following: “**that poses an imminent threat of**”; and

Further amend said section, Page 60, Lines 9 and 10, by deleting the words “**disciplined immediately in accordance with applicable law**” and inserting in lieu thereof the following: “**immediately suspended without pay, pending an evidentiary hearing when such employee is entitled by statute or contract to such hearing. If an employee is not entitled to such evidentiary hearing, the employee shall be suspended pending completion of due process or further disciplinary action as provided in the district’s personnel policies, as applicable.**”; and

Further amend said bill by amending the 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 adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1099**.

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 **SCS** for **SB 758**, entitled:

An Act to repeal sections 67.1360, 67.2015, and 94.270, RSMo, and to enact in lieu thereof three new sections relating to local taxes, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS for SB 884**. Representatives: Byrd, Lager, Yates, Willoughby and Vogt.

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 1114**, entitled:

An Act to repeal sections 67.402 and 82.291, RSMo, and to enact in lieu thereof two new sections relating to removal of nuisances.

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 1181**, entitled:

An Act to repeal sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof eight new sections relating to licensing of physical therapists and physical therapist assistants.

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 1274**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

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 1329**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto four new sections relating to emergency services.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1329, Page 1, Section 190.342, Line 5, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend said bill, page 4, section 190.346, line 7, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend line 17, by striking "190.330 to 190.341" and inserting in lieu thereof the following: "**190.342 to 190.348**"; and

Further amend said bill and section, page 5, line 35, by striking "190.330 to 190.341" and inserting in lieu thereof the following: "**190.342 to 190.348**"; and

Further amend line 50, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend said bill, page 7, section 190.348, line 19, by striking "190.335" and inserting in lieu thereof the following: "**190.344**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for SCS for SBs 1020, 889 and 869**, entitled:

An Act to repeal sections 493.050, 610.010, 610.011, 610.020, 610.021, 610.022, 610.023,

610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof fourteen new sections relating to public records, with an emergency clause for a certain section.

With House Amendments Nos. 1, 3, 5, 6, 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 23, Section 610.026, Line 23, by deleting the word “**clerical**”; and

Further amend said page and section, Line 24, by deleting the coma “,”.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1020, 889 and 869, Page 3, Section 493.050, Line 23 of said page, by inserting after all of said line the following:

“537.805. 1. Any person who:

(1) **Knowingly presents or causes to be presented, to an official or employee of the state, a false or fraudulent claim for payment or approval;**

(2) **Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state;**

(3) **Knowingly delivers, or causes to be delivered, less property or money used, or to be used, by the state, than the amount for which the person receives a certificate or receipt;**

(4) **Knowingly delivers a document certifying receipt of property used, or to be used, by the state without completely knowing that the information on the receipt is true;**

(5) **Knowingly buys or receives as a pledge of an obligation or debt, public property from an official or employee of the state who lawfully may not sell or pledge the property;**

(6) **Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state;**

(7) **Conspires to defraud the state by getting a false or fraudulent claim allowed or paid;**

is liable to the state for a penalty for each false claim of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of actual damages which the state sustains because of the act of that person.

2. If the court finds that:

(1) **The person committing the violation of this section furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;**

(2) **Such person fully cooperated with any state investigation of such violation; and**

(3) **At the time such person furnished the state with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation;**

the court may assess only the amount of damages which the state sustains because of the act of the person. The court may also grant immunity from criminal prosecution to such person for good cause at the request of the state. Any person violating subsection 1 of this section shall also be liable for the costs of any civil action brought to recover any such damages or penalties.

3. **The state may dismiss the action, notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an**

opportunity for a hearing on the motion.

4. The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

5. As used in this section the following terms shall mean:

(1) "Claim", includes, but is not limited to, each request or demand, whether under a contract or otherwise, for money or property which is made to the state or to a contractor, grantee, or other recipient if the state provides any portion of the money or property which is requested or demanded, or if the state will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded;

(2) "Knowing" and "Knowingly", a person:

(a) Has actual knowledge of the information;

(b) Acts in deliberate ignorance of the truth or falsity of the information; or

(c) Acts with specific intent to defraud.

537.810. 1. The attorney general shall investigate violations of section 537.805. The attorney general may bring a civil action in the name of the state if the attorney general finds that a person has violated or is violating section 537.805. But if any action involving the same violations has already been filed by a person under section 537.805, the state may only intervene in it as set forth in this section.

2. Any person may bring a civil action for a violation of section 537.805 in the name of the person and on behalf of the state. No such action shall be dismissed without the written consent of the attorney general after court approval.

3. The complaint shall be filed in camera,

shall remain under seal for up to one hundred eighty days from the date of filing, and shall not be served on the defendant until the court so orders.

4. A copy of the petition filed by any person pursuant to sections 537.805 to 537.810 shall be served on the attorney general along with a disclosure statement describing the fraudulent acts or omissions and setting forth all evidence known to the person in support of the claims. The attorney general may proceed with the action by entering an appearance within one hundred eighty days of being served. The attorney general may, for good cause, extend such one hundred eighty day period upon request to the court, as necessary and may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection 3 of this section. Any such motions may be supported by affidavits or other submissions in camera. The court may not grant extensions beyond one year from the date the action was filed. The defendant shall not be required to respond to any complaint filed pursuant to this section until thirty days after the complaint is unsealed and served upon the defendant. The person bringing the action may proceed with the action if the attorney general:

(1) By the end of the one hundred eighty day period or whatever extensions are granted by the court does not file a motion to intervene or obtain a continuance of the aforesaid time period; or

(2) Does not proceed with the action with reasonable diligence within six months after filing a motion to intervene, or within additional time the court allows after notice to the person bringing the action.

5. Except as provided in subsection 8 of this section, when a person brings an action pursuant to this section, no one else may bring a related action based on the facts underlying the pending action and only the attorney general may intervene pursuant to subsection 4

of this section.

6. If the attorney general initiates or intervenes in the action, it shall be conducted solely by the state, with notice of all proceedings to the person who filed the action as another party. The state is not bound by any act of the person bringing the action.

7. Unless the state proceeds with the action, the court shall dismiss an action brought by the person if the action is based on evidence or information known to the state when the action was brought.

8. If the false or fraudulent claim involves the attorney general's office, then the state auditor shall assume all powers, duties, and obligations that the attorney general has pursuant to section 537.805 and this section.

9. If the state proceeds with the action, the person bringing the action may receive an amount the court decides is reasonable. The amount may not be more than twenty-five percent nor less than fifteen percent of the proceeds of the action and shall be paid out of those proceeds. The person shall also receive reasonable attorney's fees and costs, to be awarded against the defendant.

10. If the state does not proceed with an action, the person bringing the action may receive an amount the court decides is reasonable. The amount may not be more than thirty-five percent nor less than twenty-five percent of the proceeds of the action or settlement and shall be paid out of those proceeds. The person may also recover costs and reasonable attorney's fees from the defendant.

11. The state shall not be liable for costs or attorney's fees a person incurs in bringing an action pursuant to this section.

12. No court shall have jurisdiction over an action brought under this section by a former or present member of the armed forces against a member of the armed forces arising out of such person's service in the armed forces.

13. No court shall have jurisdiction over an action brought under this section against a member of the general assembly, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the government when the action was brought.

14. In no event may a person bring an action which is based upon allegations or transactions which were the subject of a civil suit or an administrative civil monetary penalty proceeding in which the government is already a party.

15. No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a report, hearing, audit, or investigation by the general assembly or the executive branch, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information. For purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the government before filing an action under this section which is based on the information."; and

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

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Section 610.023, Page 21, Line 16 of said page, by inserting immediately after the word "available" the following:

"without additional cost to the public body".

HOUSE AMENDMENT NO. 6

Amend House Substitute for House

Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, by inserting on Page 1, Section A, Line 5, after all of said line the following:

“197.150. 1. As used in this section, the term “public hospital” means a hospital organized pursuant to section 81.190 or 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo.

2. The meetings and records of a public hospital shall not be construed to be a public record or a public meeting as defined in subdivisions (5) and (6) of section 610.010, RSMo, if:

(1) The public hospital does not receive money from a tax levy imposed by the city, county, or hospital district that established the hospital; and

(2) The public hospital waives its right to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo.”; and

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 10, Section 610.020, Line 19 of said page, by adding at the end of said line the following:

“No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted unless all persons present consent to such recording; any person who violates this provision shall be guilty of a class D felony.”; and

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

HOUSE AMENDMENT NO. 10

Amend House Substitute for House

Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Section 610.029, Page 29, Line 15 of said page, by adding after all of said line the following:

“610.035. No state entity or political subdivision shall publicly disclose any Social Security number of a living person unless such disclosure is permitted by federal law, federal regulation or state law or unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court. Notwithstanding any other provision of law to the contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided that the state [agency] entity or political subdivision disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this section, "publicly disclose" shall not include the use of any Social Security number by any state entity or political subdivision in the performance of any statutory or constitutional duty or power or the disclosure of any Social Security number to another state [entity] agency, political subdivision, agency of the federal government, agency of another state or any private person or entity acting on behalf of, or in cooperation with, a state entity. Any person or entity receiving a Social Security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For purposes of this section, "state entity" means any state department, division, agency, bureau, board, commission, employee or any agent thereof. When responding to any requests for public information pursuant to this chapter, any costs incurred by any state entity or political subdivision complying with the provisions of this section may be charged to the

requester of such information.”

Further amend said bill by amending the 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 SCS for SB 1247**, entitled:

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

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 799**, entitled:

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS for SCS for SB 758** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in **HS for HCS for SS for SCS for SB 968** and **SCS for SB 969**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to concur in **HS for HCS for SCS for SBs 1020, 889 and 869**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1453, with **SCS**, introduced by Representative Hanaway, 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, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 431.056, 452.310, 452.375, 452.400, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-four new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

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

SCS for HS for HCS for HB 1453, entitled:
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1453

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 192.016, 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, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 431.056, 452.310, 452.375, 452.400, 453.020, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof eighty new sections relating to foster care and protection of children,

with penalty provisions and an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HCS** for **HB 1453** be adopted.

Senator Shields offered **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1453

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102, 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, 452.375, 452.400, 453.020, 453.025, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-six new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Pages 50-56, Section 210.112, by striking all of said section and inserting in lieu thereof the following:

“210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services, which may include case management services, family-centered services,

foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall not result in the loss of federal funding. Such children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered

to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

(a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved; and

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to

work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than fourteen days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

(3) Timeframes in which services will be delivered; and

(4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services,

foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

(1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and

(2) Any recommendations regarding the continuation or possible statewide implementation of such project; and

(3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers and agencies request to have included in the report.

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.

8. By February 1, 2005, the children's division shall promulgate and have in effect rules to implement the provisions of this section, and pursuant to this section, shall define

implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.”; and

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

Senator Shields moved that the above amendment be adopted.

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

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 2, Section 210.112, Line 17, by inserting immediately after said line the following:

“(1) A current license for services and programs for which licensing is applicable, with preference given to agencies which are accredited; and”;

Further by amending all subsequent subdivision identifiers accordingly.

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

Senator Gross assumed the Chair.

SA 1 to SA 1 failed of adoption by the

following vote:

YEAS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Foster
Goode	Jacob	Kennedy	Mathewson
Quick	Stoll	Wheeler—15	

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—19	

Absent—Senators—None

Absent with leave—Senators—None

Senator Shields moved that SA 1 be adopted, which motion prevailed.

Senator Nodler offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 160, Section 1, Lines 3-10 of said page, by striking said lines and inserting in lieu thereof the following:

“When the parents maintain joint domicile or comply with court-ordered visitation, there shall be a rebuttable presumption that the nonoffending parent has not committed any violation of sections 568.030, 568.032, 568.045, 568.050, or 568.060, RSMo, or has not engaged in any conduct that would constitute child abuse or neglect under chapter 210, RSMo. In order to rebut the presumption there must be a finding of actual harm or endangerment to the child if the child is placed in the custody of the nonoffending parent.”

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

Senator Dougherty offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 90, Section 210.201, Line 7, by deleting the word “**private**” and inserting in lieu thereof the word “**public**”.

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

Senator Dougherty offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

“452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. [The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.] Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to [chapter 210, RSMo, or] this chapter, upon the filing of a written application by any party within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad litem **appointed under this subsection** in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown.

2. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

3. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary

interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

[3.] **4.** The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] **5.** The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

[5.] **6.** The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.”; 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 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 18, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof the following: “**residents or wards of residents**”; and

Further amend said bill, Page 19, Section 135.327, Line 22, by inserting after the word “**wards**” the following: “**of residents**”; and

Further amend said bill, Page 19, Section 135.327, Line 23, by deleting all of said line and inserting in lieu thereof the words “**of this state at**”; and

Further amend said bill, Page 19, Section 135.327, Line 26, by inserting after the word “**wards**” the following: “**of residents**”; and

Further amend said bill, Page 19, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof “**at the time the**”.

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

Senator Dougherty offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 46, Section 210.109, Line 8, by deleting the word “court” and inserting in lieu thereof the word “**legal**”; and

Further amend said bill and section, page 46, line 9, by deleting the word “may” and inserting in lieu thereof the word “**shall**”.

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

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for

House Committee Substitute for House Bill No. 1453, Page 45, Section 210.109, Lines 9-12 of said page by, striking all underlined language from said lines.

Senator Stoll moved that the above amendment be adopted.

At the request of Senator Stoll, **SA 7** was withdrawn.

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 82, Section 210.160, Line 4, by inserting after “**litem**” on said line the following: “, **licensed in the practice of law,**”; and

Further amend said bill, page 83, same section, line 21, by inserting after “**duties**” the following: “, **only under direct and consistent supervision of an attorney,**”.

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

Senator Caskey offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, of said page, by inserting after all of said line the following:

“452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any

person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. In any case in which the paternity of a child has been determined by a court of competent jurisdiction and where the noncustodial parent is delinquent in the payment of child support in an amount in excess of ten thousand dollars, the custodial parent shall have the right to petition a court of competent jurisdiction for the termination of the parental rights of the noncustodial parent.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 35, Section 207.085, Line 3, by inserting immediately after said line the following:

“208.631. 1. Notwithstanding any other provision of law to the contrary, the department of social services shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to 208.660 is subject to appropriation. The provisions of sections 208.631 to 208.657 shall be void and of no effect after July 1, 2007.

2. For the purposes of sections 208.631 to 208.657, “children” are persons up to nineteen years of age, **including unborn children**. “Uninsured children” are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health

care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children for six months prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for medical assistance as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to 208.657.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 10** is out of order, as it goes beyond the scope, title and purpose of the bill.

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

Senator Bartle assumed the Chair.

Senator Gross offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 61, Section 210.145, Lines 5-7, by deleting said lines and insert in lieu thereof the following: “child’s school or child-care facility] **in any school building or child care facility building where abuse of such child is alleged to have occurred**. When the child is reported”.

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

Senator Goode offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 20, Section 135.327, Line 25 of said page, by inserting after all of said line the following:

“7. An individual claiming a tax credit for their total nonrecurring adoption expenses in a tax year shall be subject to the income limit in the tax year in which the credit is used as provided in section 23(b)(2) of the United States Internal Revenue Code of 1986, as amended, except that the amount expressed in section 23 (b) (2) (A) (i) shall be “\$90,000” in lieu of “\$150,000”, and shall be subject to a reduction to the amount of the credit that may be claimed as prescribed therein.”

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

Senator Gross assumed the Chair.

SA 12 failed of adoption by the following vote:

YEAS—Senators			
Bland	Bray	Callahan	Caskey
Champion	Childers	Coleman	Days
Goode	Gross	Kennedy	Mathewson
Stoll—13			

NAYS—Senators			
Bartle	Cauthorn	Clemens	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Jacob	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Yeckel—20

Absent—Senator Wheeler—1

Absent with leave—Senators—None

Senator Days offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 68, Section 210.147, Line 7, by deleting all of said line and inserting in lieu thereof the following: **“the parents of the child or any other party.”**; and

Further amend said bill, section and page,

lines 10-29, by deleting all of said lines; and

Further amend said bill and section, page 69, lines 1-22, by deleting all of said lines; and

Further amend said bill and section, page 69, line 26, by inserting after all of said line the following: **“The content of the form shall be consistent with service agreements or case plans required by statute, and shall include the following: location, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child’s family; and any additional core commitments.”**

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

Senator Caskey offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, of said page, by inserting after all of said line the following:

“452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 24, Section 167.020, Line 9, by inserting after the end of said line the following:

“167.166. 1. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall perform or direct a strip search as defined in section 544.193, RSMo, of any student of any such school. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall direct a student to take part in, direct, supervise, be present for or witness a strip search of a fellow student. Any employee, volunteer, or school board member who violates this subsection shall be immediately suspended from their association with the school or with the department, without pay if such person would otherwise receive pay, pending an evidentiary hearing on the matter. In the event the person

suspended is found, after an evidentiary hearing, to have violated this subsection, such person shall be subject to sanctions up to and including termination from the school, or on the school board, or with the department of social services.

2. In the event a certified law enforcement officer has probable cause to believe that a student of a public or charter school in this state has concealed a deadly or dangerous weapon on the student’s person and is present on the property of the school, such officer may detain the student for the limited purpose of conducting a search and may conduct a strip search of such student as defined and limited in section 544.193, RSMo, and pursuant to the limitations and provisions of this subsection, only to the limited extent reasonably necessary to determine whether the student has possession of a deadly or dangerous weapon and to take possession of any such weapon if found on the person of the student. No male law enforcement officer shall conduct or be present during the strip search of a female student performed pursuant to this subsection. No female law enforcement officer shall conduct or be present during the strip search of a male student performed pursuant to this subsection. Any student to be strip searched pursuant to this subsection shall not be strip searched until the principal of the school or a law enforcement officer has made contact with the student’s parents or legal guardians, or with the foster parents if the student is in the custody of the department of social services, and informed such persons of the impending strip search and notified such persons of the provisions of this section. In the event a parent, legal guardian, or foster parent of the student is successfully contacted and expresses a desire to be present during the strip search, the strip search shall not be commenced until the parent, legal guardian or foster parent expressing such desire has been given at least thirty minutes to appear at the location of the strip search; except, if the parent or legal guardian is subject to a court

order of protection in favor of the student, such person's desire to be present shall not delay the commencement of the strip search. Nothing contained in this section shall authorize a parent, legal guardian, or any other person to violate a court order of protection prohibiting such parent, legal guardian or other person from being in the presence of the student.

3. In the event any strip search of a student is conducted pursuant to this section, the school principal, in conjunction with the certified law enforcement officer, shall prepare a comprehensive written report of the entire incident leading to the strip search and of the strip search itself. The report shall include, but not be limited to, the name, address, employer, title and gender of each person present at the strip search. The full written report shall be hand delivered to the student's parents or legal guardians or foster parents, and to an authorized representative of the school board, and to the director of the department of social services if applicable, within forty-eight hours of the commencement of the strip search.”; and

Further amending the title and enacting clause accordingly.

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

Senator Dolan offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

“452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent visitation when:

(1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action

solely on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify the original decree of dissolution to seek visitation rights when [such rights have] **visitation has been denied to them; or**

(2) One parent of the child is deceased and the surviving parent denies reasonable visitation [rights] to a parent of the deceased parent of the child; **or**

(3) The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition; **and**

(4) A grandparent is unreasonably denied visitation with the child for a period exceeding ninety days. However, if the natural parents are legally married to each other and are living together with the child, a grandparent may not file for visitation pursuant to this subdivision; **or**

(5) The child is adopted by a stepparent, another grandparent or other blood relative].

2. The court shall determine if the visitation by the grandparent would be in the child's best interest or if it would endanger the child's physical health or impair the child's emotional development. Visitation may only be ordered when the court finds such visitation to be in the best interests of the child. However, when the parents of the child are legally married to each other and are living together with the child, it shall be a rebuttable presumption that such parents know what is in the best interest of the child. The court may order reasonable conditions or restrictions on grandparent visitation.

3. If the court finds it to be in the best interests of the child, the court may appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

4. A home study, as described by section 452.390, may be ordered by the court to assist in determining the best interests of the child.

5. The court may, in its discretion, consult with the child regarding the child's wishes in determining the best interest of the child.

6. The right of a grandparent to [seek or] maintain visitation rights pursuant to this section may terminate upon the adoption of the child.

7. The court may award reasonable attorneys fees and expenses to the prevailing party.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 45, Section 210.109, Lines 9-12, by striking all underlined language from said lines and inserting in lieu thereof the following: **“and provided that the reporter shall be informed, at the time of the report, that the reporter’s name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319, RSMo”**.

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

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be read the 3rd time and finally passed.

Senator Shields was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, to the Committee on Governmental Accountability and

Fiscal Oversight.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SB 932**, as amended: Senators Loudon, Cauthorn, Bartle, Callahan and Quick.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1939, regarding the late Dr. Melvin C. Kasten, Cape Girardeau, which was adopted.

Senator Kinder offered Senate Resolution No. 1940, regarding Chief of Police, Ronald A. Batelle, St. Louis County, which was adopted.

Senator Nodler offered Senate Resolution No. 1941, regarding the Fiftieth Anniversary of the Avilla R-XIII School District, Avilla, which was adopted.

Senator Nodler offered Senate Resolution No. 1942, regarding Dr. Phillip McClendon, Joplin, which was adopted.

Senator Quick offered Senate Resolution No. 1943, regarding David Wayne Skinner, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1944, regarding Jeremy Joseph Montague, which was adopted.

Senator Quick offered Senate Resolution No. 1945, regarding Ian Jeffrey Koch, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1946, regarding Joshua Andrew Cheney, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1947, regarding Andrew William Krenkel, Lawson, which was adopted.

Senator Quick offered Senate Resolution No. 1948, regarding Eric Michael Cheney, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1949, regarding Kyle Austin Hendricks, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1950, regarding Jeffrey Michael Baskin, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 1951, regarding Richard Lee Sleightholm, Jr., Kansas City, which was adopted.

Senator Dougherty offered Senate Resolution No. 1952, regarding the 2003-2004 Gold Star School, Metro High School, St. Louis City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Wendy Hills and Bob and Cindy Smith, Columbia; and Paul Kingsley, England.

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

SENATE CALENDAR

SEVENTIETH DAY—WEDNESDAY, MAY 12, 2004

FORMAL CALENDAR

Unofficial

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-Kinder
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

Journal

HOUSE BILLS ON THIRD READING

1. HB 1548-Crawford, with SCS (Cauthorn)
(In Fiscal Oversight)
2. HCS for HB 1403, with SCS (Vogel)
(In Fiscal Oversight)
3. HS for HCS for HB 1285-Engler (Dolan)
4. HS for HB 1339-Cunningham (86) (Loudon)
5. HCS for HB 1099 (Shields)
6. HS for HCS for HB 852-Holand, with SCS
(Champion)
7. HCS for HB 1509 (Shields)
8. HCS for HB 855, with SCS (Steelman)
(In Fiscal Oversight)
9. HCS for HB 1118, with SCS (Dolan)
(In Fiscal Oversight)
10. HB 1504-Lipke and Crowell (Dolan)
11. HB 1109-Crawford, et al (Cauthorn)
12. HCS for HB 1152 (Nodler)
13. HB 1160-Parker, et al, with SCS (Steelman)
14. HB 844-Mayer, et al (Loudon)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS	SB 1124-Goode and Steelman, with SCS
SB 735-Foster, et al, with SCS	SB 1128-Cauthorn, with SCS
SBs 738 & 790-Loudon, with SCS & SS for SCS (pending)	SB 1132-Steelman, et al, with SCS
SS for SS for SCS for SB 755-Shields	SB 1138-Bartle
SBs 774 & 915-Wheeler, with SCS	SB 1159-Foster and Dougherty
SB 787-Childers, with SCS, SA 1 & SSA 1 for SA 1 (pending)	SB 1180-Shields and Kinder, with SCS
SB 809-Klindt, with SCS, SS for SCS & SA 2 (pending)	SB 1198-Russell, with SCA 1
SB 817-Kennedy and Griesheimer, with SCS	SB 1213-Steelman and Gross, with SCS
SB 856-Loudon, with SCS, SS for SCS, SS for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)	SB 1227-Russell, et al, with SCS
SB 906-Foster, with SCS, SS for SCS & SA 2 (pending)	SB 1232-Clemens, et al, with SCS (pending)
SBs 908 & 719-Cauthorn, with SCS	SB 1234-Mathewson and Childers, with SCS, SS for SCS, SA 4 & point of order (pending)
SB 933-Yeckel, et al	SB 1254-Klindt, with SCS
SB 989-Gross, et al, with SCS (pending)	SB 1277-Yeckel, with SCS
SB 990-Loudon, with SCS	SBs 1332 & 1341-Caskey and Mathewson, with SCS
SB 1037-Steelman and Stoll, with SCS	SB 1355-Days
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS, SS for SCS, SA 2 & SA 2 to SA 2 (pending)	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

HB 841-Angst, with SCS (Steelman)	HS for HCS for HB 1150-May, with SCS (Scott)
HCS for HB 898, with SCS (Shields)	SS for SCS for HCS for HB 1182 (Klindt) (In Fiscal Oversight)
SS for SCS for HCS for HBs 946, 1106 & 952 (Dolan) (In Fiscal Oversight)	HS for HCS for HB 1195-Behnen, with SCS (Yeckel)
HCS for HB 955 (Yeckel)	HCS for HB 1209 (Kinder)
HB 956-May (149) (Steelman)	HS for HCS for HBs 1268 & 1211-Smith (118), with SCS, SS for SCS & SS for SS for SCS (pending) (Loudon)
HB 969-Cooper, et al (Bartle) (In Fiscal Oversight)	HCS for HB 1277, with SCS (Steelman)
HCS for HB 980, with SS (pending) (Klindt)	
HCS for HBs 1098 & 949 (Childers)	

HCS for HB 1278, with SCS (Loudon)
 HCS for HBs 1286 & 1175, with SCS
 (Griesheimer)
 HS for HB 1409-Dempsey, with SCS, SS
 for SCS, SA 9, SSA 1 for SA 9 & SA 1
 to SSA 1 for SA 9 (pending) (Mathewson)
 HCS for HB 1439 (Dolan)
 SS for SCS for HS for HCS for HB 1453-
 Hanaway (Shields) (In Fiscal Oversight)

HB 1493-Emery, et al, with SCS & SA 3
 (pending) (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)
 HB 1665-Hanaway, et al, with SCS (Scott)
 HS for HCS for HJRs 39, 38, 42 & 47-
 Engler, with SA 2 & SSA 1 for SA 2 (pending)
 (Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Unofficial

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Journal

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Reported 4/15

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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 799-Steelmann, with HCS
 SB 1114-Loudon, with HCS
 SCS for SB 1181-Yeckel, with HCS
 SCS for SB 1247-Dougherty and Kennedy,
 with HCS

SCS for SB 1269-Yeckel, with HS for HCS,
 as amended
 SB 1274-Shields, with HCS
 SB 1329-Griesheimer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
 CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended
 SCS#2 for SB 762-Champion, with HS for HCS,
 as amended
 SB 884-Klindt, with HCS
 SB 932-Loudon, with HS, as amended
 SS for SCS for SB 1081-Kinder, et al,
 with HS for HCS, as amended (Senate
 adopted CCR and passed CCS)
 SCS for SB 1106-Shields, with HCS
 (Senate adopted CCR and passed CCS)
 HCS for HBs 795, 972, 1128 & 1161, with
 SS for SCS, as amended (Childers)
 HCS for HB 959, with SCS, as amended
 (Yeckel)

HS for HCS for HB 978-Baker, with SS,
 as amended (Yeckel)
 HCS for HB 1055, with SS, as amended
 (Vogel)
 HCS for HB 1288, with SS for SCS, as
 amended (Griesheimer)
 HCS for HB 1305, with SCS, as amended
 (Scott)
 HS for HB 1487-Self, with SA 1, as
 amended & SA 2 (Scott)
 HCS for HB 1617, with SSA 1 for SA 1
 (Bartle)

Requests to Recede or Grant Conference

SCS for SB 758-Griesheimer, with HCS
 (Senate requests House recede or
 grant conference)
 SS for SCS for SB 968 & SCS for SB 969-
 Shields, with HS for HCS, as amended
 (Senate requests House recede or
 grant conference)

SCS for SBs 1020, 889 & 869-Steelmann,
 et al, with HS for HCS, as amended
 (Senate requests House recede or
 grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross
SCR 49-Nodler

SR 1877-Dougherty
SCR 48-Bland, with SCS

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Journal
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