

# Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY—WEDNESDAY, MAY 12, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“In our time the road to holiness passes through the world of action.” (Dag Hammarsjold)

Gracious Father, we are called to make many decisions today and by our actions we are known to the world we live. So we pray that as we decide the disposition of these bills that they are truly reflective of our time with You in prayer and through our actions we discover the holiness You provide. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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

Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Dolan offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1953

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Student Association of Missouri exists to unite all students of Missouri institutions of higher education, and to represent the needs and issues important to all students. Further the Student Association of Missouri serves as a communication link between students, institutions of higher education, legislators, and Missouri government in order to promote and actively work towards the betterment of Missouri higher education.

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session hereby grant the Student Association of Missouri permission to use the Senate Chamber for the purpose of conducting their annual convention on Friday, September 24 and Saturday,

September 25, 2004.

**CONCURRENT RESOLUTIONS**

Senator Bland moved that **SCR 48**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **SCR 48**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 48

An Act relating to the establishment of a Hepatitis C Task Force.

Was taken up.

Senator Bland moved that **SCS** for **SCR 48** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SCR 48** was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators—None

The President declared the concurrent resolution passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Scott moved that the conferees on **HS**

for **HB 1487**, as amended, be allowed to exceed the differences to add an affirmative defense clause on the crime of child kidnapping, which motion prevailed.

Senator Shields moved that **SB 1274**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 1274**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1274

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

Was taken up.

Senator Shields moved that **HCS** for **SB 1274** 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	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senators—None

On motion of Senator Shields, **HCS** for **SB 1274** 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	Stoll	Vogel	Wheeler	Yeckel—32
Quick	Russell	Shields	Steelman				
Stoll	Vogel	Wheeler	Yeckel—32	NAYS—Senators—None			

NAYS—Senators—None

Absent—Senators

Coleman Scott—2

Absent—Senators

Coleman Scott—2

Absent with leave—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Yeckel moved that **SCS** for **SB 1181**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 1181**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1181

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.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 1181** be adopted, which motion prevailed 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	Shields	Steelman

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 1181** 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 Yeckel, title to the bill was agreed to.

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

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

Bill ordered enrolled.

Senator Griesheimer moved that **SB 1329**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 1329**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1329

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

emergency services.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 1329**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Childers—1

Absent with leave—Senators—None

On motion of Senator Griesheimer, **HCS** for **SB 1329**, 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 Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by

which the bill passed be reconsidered.

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

Bill ordered enrolled.

Senator Dougherty moved that **SCS** for **SB 1247**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 1247**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1247

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

Was taken up.

Senator Dougherty moved that **HCS** for **SCS** for **SB 1247** 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	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

On motion of Senator Dougherty, **HCS** for **SCS** for **SB 1247** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	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	Goode—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Dougherty 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

Senator Loudon moved that **HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** was again taken up.

At the request of Senator Foster, the above substitute bill was withdrawn.

**SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** was taken up.

At the request of Senator Cauthorn, the above substitute bill was withdrawn.

**SCS** for **HS** for **HCS** for **HBs 1268** and **1211** was again taken up.

Senator Loudon offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1268 and 1211

An Act to repeal sections 285.300, 288.030, 288.032, 288.034, 288.036, 288.038, 288.040,

288.050, 288.060, 288.090, 288.100, 288.110, 288.120, 288.121, 288.122, 288.128, 288.290, 288.310, 288.330, 288.380, and 288.500, RSMo, and to enact in lieu thereof twenty-eight new sections relating to employees, with penalty provisions and an emergency clause.

Senator Loudon moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Loudon offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute No.2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 105, Section 288.330, Line 9, by striking the word “he” and insert in lieu thereof the following: “**The**”.

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

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

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 131, Section B, Lines 22-23, by striking all of said lines and insert in lieu thereof the following: “**meaning of the constitution, and sections 288.128, 288.310 and 288.330 of this Act shall be in full force and effect January 1, 2005.**”.

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

### PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Callahan moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

**SA 2** was again taken up.

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

Senator Callahan offered **SA 3**, which was read:

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 131, Section B, Lines 22-23, by striking all of said lines and insert in lieu thereof the following: “meaning of the constitution, and sections 288.128, 288.310 and 288.330 of this Act shall be in full force and effect upon its passage and approval. The remaining provisions of this Act shall be in full force and effect January 1, 2005.,” and

Further amend the title by adding “with an effective date for certain sections.”.

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

Senator Loudon moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
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NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	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

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.

**HS** for **HCS** for **HB 1285**, introduced by Representative Engler, entitled:

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance,

with a penalty provision.

Was taken up by Senator Dolan.

Senator Dolan offered **SS** for **HS** for **HCS** for **HB 1285**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1285

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance.

Senator Dolan moved that **SS** for **HS** for **HCS** for **HB 1285** be adopted.

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

At the request of Senator Dolan, **HS** for **HCS** for **HB 1285**, with **SS** (pending), was placed on the Informal Calendar.

**REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 1182**, as amended; **HCS** for **HB 1118**, with **SCS**; **HB 1548**, with **SCS**; and **HCS** for **HB 1403**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

**HOUSE BILLS ON THIRD READING**

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, 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 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.

The emergency clause was adopted 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 Klindt, title to the bill was agreed to.

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

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

**PRIVILEGED MOTIONS**

Senator Steelman moved that **SCS** for **SB 799**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SCS for SB 799**, entitled:HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 799

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.

Was taken up.

Senator Steelman moved that **HCS for SCS for SB 799** be adopted, which motion prevailed by the following vote:

## YEAS—Senators

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

## NAYS—Senators—None

## Absent—Senators

Dolan	Goode	Quick	Stoll—4
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## Absent with leave—Senators—None

On motion of Senator Steelman, **HCS for SCS for SB 799** 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
Stelman	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 Steelman, title to the bill was agreed to.

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

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

Bill ordered enrolled.

**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 conferees on **HS for HB 1487**, with **SA 1 to SA 1, SA 2 to SA 1, SA 1**, as amended, and **SA 2** be allowed to exceed the differences by allowing them to add affirmative defense language to the kidnapping provision in the bill.

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 1365**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

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 **HCS for SCS for SB 758** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS for**

**HCS for SS for SCS for SB 968 and SCS for SB 969**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS for HCS for SCS for SBs 1020, 889 and 869**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCR 26**.

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 26  
Relating to the Forestry Utilization Committee.

WHEREAS, the forestry industry is a vital industry to Missouri, representing over fourteen million acres of Missouri timberland, which ranks our state seventh out of the twenty northeastern timber states, supports the bulk of Missouri recreation and tourism, directly provides thousands of jobs and supports tens of thousands of jobs where forest land and products are a vital component, directly generates three billion dollars of revenue, and indirectly supports the generation of many more billions of dollars in revenue; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic contribution of this industry while making every attempt to minimize environmental harm and other negative aspects of the industry; and

WHEREAS, the industries' current practice of harvesting sixty percent of the tree, and its predominant production of low value-added products, limits the potential economic contribution to industry participants and to the state; and

WHEREAS, there exists a need for a study of the potential for increased industrial strength and rural economic gains to be realized by forestry adopting modern industrial business models and value-added techniques:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a "Forestry Utilization Committee", which shall review and evaluate both the industrial and economic impact of forestry utilization and make recommendations on further

action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such committee shall be composed of twenty-seven members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, two members to be members of the Missouri House of Representatives to be appointed by the Speaker of the House, two county commissioners appointed by the Missouri Association of Counties, two forest landowners representing small forestry holdings with owners of less than two hundred acres of timber and two representatives of large forestry holdings with greater than two hundred acres of timber, to be appointed by the Missouri Farm Bureau, two forest landowners to be appointed by the Missouri Conservation Federation, a representative from the Resource Conservation and Development Councils, a representative from the Missouri Department of Natural Resources' Energy Center, a representative from the Missouri Enterprise Business Assistance Center, a representative of the United States Department of Agriculture Forest Service's North Central Forest Experimental Station, a representative of the University of Missouri's School of Natural Resources, a representative of Value Missouri, a representative of the Society of American Foresters, a representative from the Missouri Department of Conservation's Division of Forestry, a representative of the Missouri Forest Products Association, a representative of the Missouri Department of Agriculture's Business Development Division, two representatives of a large-volume active sawmill and two representatives of a small-volume active sawmill appointed by the Missouri Forest Products Association, a representative of the School of Agricultural Sciences at Southwest Missouri State University and a representative of the Department of Agriculture, School of Polytechnic Studies at Southeast Missouri State University. Each member of the committee shall serve until December 31, 2005. A chairman, vice-chairman, and secretary shall be elected by the membership of the committee to conduct the business of the committee; and

BE IT FURTHER RESOLVED that the committee may conduct its business by various means but shall meet no less than twice each year as a full committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the committee in carrying out its duties, including allowing access to closed records, as permitted by law, provided that the committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide minimal funding, administrative support, and staff for the effective operation of the committee; and

BE IT FURTHER RESOLVED that the committee shall study problems and solutions, collect information, and provide recommendations in a report to the General Assembly before July 30, 2005; and

BE IT FURTHER RESOLVED that the committee shall submit its final report to the General Assembly no later than December 31, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution.

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 **SCS** for **HCS** for **HB 1305**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1305**.

#### HOUSE BILLS ON THIRD READING

Senator Dolan moved that **HS** for **HCS** for **HB 1285**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HS** for **HCS** for **HB 1285** was again taken up.

Senator Dolan moved that **SS** for **HS** for **HCS** for **HB 1285** be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **HS** for **HCS** for **HB 1285** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

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

Yeckel—29

#### NAYS—Senators

Bland                      Bray                      Days                      Dougherty—4

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

#### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1020, 889** and **869**, as amended: Senators Steelman, Champion, Griesheimer, Goode and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 758**: Senators Griesheimer, Kinder, Childers, Days and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended: Senators Shields, Foster, Bartle, Caskey and Stoll.

#### RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1954, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Judson Baugher, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1955, regarding Ashlee Karguth, Helena, which was adopted.

Senator Klindt offered Senate Resolution No.

1956, regarding Kathleen Gallagher, Helena, which was adopted.

Senator Klindt offered Senate Resolution No. 1957, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Claude Eckert, Trenton, which was adopted.

Senator Vogel offered Senate Resolution No. 1958, regarding Patricia Ann Steck Libbert, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1959, regarding the Cole County Fire Protection District, which was adopted.

Senator Vogel offered Senate Resolution No. 1960, regarding Fire Chief Donnie Braun, Jefferson City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1961, regarding Jack McCush, Sr., Boonville, which was adopted.

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

**RECESS**

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

**CONCURRENT RESOLUTIONS**

Senator Nodler moved that **SCR 49** be taken up for adoption, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Nodler, **SCR 49** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Bray—1

Absent—Senators

Dolan                      Dougherty                      Quick—3

Absent with leave—Senators—None

**PRIVILEGED MOTIONS**

Senator Childers moved that **SS** for **SCR 26**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCR 26**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 26

An Act relating to the Forestry Utilization Committee.

Was taken up.

Senator Childers moved that **HCS** for **SS** for **SCR 26** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators—None

On motion of Senator Childers, **HCS** for **SS** for **SCR 26** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Stoll Vogel Wheeler Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland Dolan—2

Absent with leave—Senators—None

The President declared the concurrent resolution passed.

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

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

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

Senator Loudon moved that **SB 1114**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 1114**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1114

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.

Was taken up.

Senator Loudon moved that **HCS for SB 1114** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	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 Dolan—2

Absent with leave—Senators—None

On motion of Senator Loudon, **HCS for SB 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	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dolan Jacob—2

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.

**HOUSE BILLS ON THIRD READING**

**HB 1548**, with **SCS**, introduced by Representative Crawford, et al, entitled:

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

Was taken up by Senator Cauthorn.

**SCS for HB 1548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1548

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

Was taken up.

Senator Cauthorn moved that **SCS** for **HB 1548** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1548, Page 1, Section 105.935, Line 7, by striking "subsection 3" and inserting in lieu thereof the following: "**subsection 4**".

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting immediately after said line the following:

"211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized

by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be

submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein

authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to [placement with] **the**

**commitment to** the division of youth services concerning the child's length of stay **in the custody of the division of youth services.** The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action

arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. **The division of youth services shall determine the type, level, and location of placement, as well as the length of stay, in either a residential or non-residential program, to comply with the determinate length of stay in the custody of the division of youth services as set forth in the order of commitment.** No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate **length of stay in a program or placement** pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1,

1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay **in the custody of the division of youth services as** determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay **in the custody of the division of youth services as** determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.”

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1548, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“105.055. 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature [or the], state auditor, **attorney general, or any state official or body charged with investigating such alleged misconduct.**

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or

(2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) Restricting or precluding disciplinary action taken against a state employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds,

abuse of authority or endangerment of the public health or safety.

4. As used in this section, “disciplinary action” means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the state personnel advisory board; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 36, RSMo. If the board or appropriate review body finds that disciplinary action taken was unreasonable, the board or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

**7. (1) In addition to the remedies in**

**subsection 6 of this section, a person who alleges a violation of this section may bring a civil action for damages within ninety days after the occurrence of the alleged violation.**

**(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.**

**(3) An employee must show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity.**

**(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees.”; and**

Further amend said bill, page 2, section 105.935, line 53, by inserting immediately after said line the following:

“610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a

public governmental body, may such person be demoted, fired, **harassed**, suspended, or otherwise disciplined for making such report.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting after all of said line the following:

“386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's [hearing officers] **administrative law judges** on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also

update the commission and the commission's [hearing officers] **administrative law judges** periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn moved that **SCS** for **HB 1548**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HB 1548**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle

Bray

Callahan

Caskey

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

NAYS—Senators—None

Absent—Senators

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

The President declared the bill passed.

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

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

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

**HCS for HB 1403, with SCS, entitled:**

An Act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof ten new sections relating to amusement rides, with penalty provisions for certain sections and an effective date.

Was taken up by Senator Vogel.

**SCS for HCS for HB 1403, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1403

An Act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof nine new sections relating to amusement rides, with penalty provisions for certain sections, and an effective date.

Was taken up.

Senator Vogel moved that **SCS for HCS for HB 1403** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS for HCS for HB 1403** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Mathewson—1

Absent—Senators

Dolan	Kinder—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HS for HCS for HB 1150, with SCS,** introduced by Representative May, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-two new sections relating to ethics, with penalty provisions.

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

**SCS for HS for HCS for HB 1150, entitled:**

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1150

An Act to repeal sections 105.466, 105.473,

105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-three new sections relating to ethics, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HB 1150** be adopted.

Senator Scott offered **SS** for **SCS** for **HS** for **HCS** for **HB 1150**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1150

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.955, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-five new sections relating to ethics, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1150** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 87, Section 130.046, Line 7, by inserting after the word “quarter” the following: “**except that any report due on April 15th shall be considered filed timely up to the 22nd day of April**”.

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

Senator Quick 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. 1150, Pages 19-31, Section 105.955, by deleting all of said section; and

Further amend title and enacting clause accordingly.

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

Senator Clemens 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. 1150, Page 75, Section 130.031, Line 5, by inserting after “office,” the following: “**hires a professional direct mail company to mail documents regarding any candidate for public office**,”; and further amend line 9 of said page, by inserting after the word “station,” the following: “**direct mail company**,”; and further amend line 12 of said page, by inserting after “run” the following: “**or the direct mail documents are being mailed**,”; and further amend line 15 of said page, by inserting after “the” the following: “**direct mail company or**,”; and further amend line 16 of said page, by inserting after “time,” the following: “**direct mail**,”; and further amend line 25 of said page, by inserting after “time,” the following: “**direct mail service**,”; and further amend line 28 of said page, by inserting after “broadcaster,” the following: “**direct mail company**,”; and

Further amend said bill, page 76, line 26 by inserting after all of said line the following:

“**16. Notwithstanding the provisions of section 130.081, RSMo to the contrary, any individual who violates the provisions of subsections 10 to 12 of this section within seventy-two hours before either a primary or general election day shall be guilty of a class A misdemeanor**,”; and further renumber the remaining subdivisions accordingly.

Senator Clemens moved that the above amendment be adopted.

At the request of Senator Clemens, **SA 3** was withdrawn.

Senator Shields assumed the Chair.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 33, Section 105.957, Line 10, by inserting after the word "requirements." the following: "**For any complaint filed within fourteen days of a primary or general election,**"; and

Further amend lines 19 to 24, by striking all of said lines and inserting in lieu thereof the following: "**Complaint was based, filed without just cause, shall be reported to appropriate law enforcement authorities for further proceedings.**"; and

Further amend said section, page 34, lines 7-8, by striking the words "or a term of imprisonment not to exceed one year, or both"; and further amend lines 20-21, by striking the words "or a term of imprisonment not to exceed one year, or both the fine and imprisonment"; and further renumber the remaining subdivisions accordingly; and

Further amend page 43, section 105.961, lines 3-8, by striking all of said lines and inserting in lieu thereof the following: "complaint without just cause, this finding shall be reported to"; and further amend lines 13-14, by striking the words "or a term of imprisonment not to exceed one year, or both"; and

Further amend page 98, section 130.054, line 19, by inserting after the word "complaint" the following: "**is filed within fourteen days of a primary or general election and**"; and further amend page 100, line 4, by inserting after the word "requirements." the following: "**For any complaint filed within fourteen days of a**

**primary or general election,**"; and further amend lines 12 to 17, by striking all of said lines and inserting in lieu thereof the following: "**Such complaint was based, filed without just cause, shall be reported to appropriate law enforcement authorities for further proceedings.**"; and further amend line 29, by striking the words "or a term of imprisonment not"; and

Further amend said section, page 101, line 1, by striking the words "to exceed one year, or both"; and further amend lines 13-14, by striking the words "or a term of imprisonment not to exceed one year, or both the fine and imprisonment"; and further renumber the remaining subdivisions accordingly; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Scott, **HS** for **HCS** for **HB 1150**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

President Maxwell assumed the Chair.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 1394**, entitled:

An Act to repeal sections 32.087, 94.270, 100.710, 135.481, 135.750, 137.100, 137.101, 137.115, 137.298, 137.505, 143.081, 143.121, 143.431, 143.782, 144.025, 144.030, 144.083, 144.615, 301.025, and 644.032, RSMo, section 100.850, RSMo, 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, RSMo, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof twenty-four new sections relating to taxation, with an effective date for certain sections and with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 8 and 9.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 10, Section 32.087, Line 8, by inserting after all of said line the following:

“64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. [Each sports complex commissioner shall hold office until his successor has been appointed and qualified.]

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to

be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and

interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided,

however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

**64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:**

**KANSAS AND MISSOURI  
METROPOLITAN KANSAS CITY  
SPORTS COMPLEX AUTHORITY  
COMPACT**

**ARTICLE I. AGREEMENT AND PLEDGE**

**The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.**

**ARTICLE II. PURPOSE**

**The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural**

facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

### ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

### ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all

of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from each county in which such bistate retail sales tax is levied having a population less than three hundred thousand and two commissioners from each such county (other than Jackson County, Missouri) having a population greater than three hundred thousand, provided that there shall be three commissioners from Johnson County, Kansas if such bistate retail sales tax is not levied in any other county in Kansas. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county, shall not be an elected or appointed official of such county, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such

meeting shall vote in favor thereof.

#### ARTICLE V. EXISTENCE

**A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.**

#### ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

**This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state.”; and**

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 144.030, Page 75, Line 21, by striking the word, “solely”; 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 Bill No. 1394, Page 12, Section 94.270, Lines 9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

**“motels in an amount in excess of twenty-**

**seven dollars per room per year. No hotel or motel in such city shall be”;** and

Further amend said bill, Page 12, Section 94.270, Line 21 of said page, by inserting immediately after the word “dollars” the following: **“and fifty cents”;** and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.505, Page 54, Line 12, by inserting after said line the following:

**“139.054. 1. The governing authority of any county with a charter form of government and with more than one million inhabitants and a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand may allow, by order or ordinance, for the prepayment of all or any part of current real property taxes in equal quarterly installments over a period of time not greater than one year. The county collector shall issue receipts for any installment payments made.**

**2. The order or ordinance shall provide the method by which the amount of real property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. Any amounts paid in excess of the real property tax owed for such year shall be a credit against the taxpayer's real property taxes due in the following year. The county collector shall provide notice to the**

**taxpayer of any adjustment to the quarterly payments authorized in this section.**

**3. Any delinquent real property taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to fees as provided by law. The prepayments authorized by this section shall be exempt from any penalty or interest provisions provided by law.**

**4. Installment payments made at any time during a tax year shall not affect the taxpayer's right to protest the amount of such tax payments under applicable provisions of law.”;** and

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

#### HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 27, Section 135.481, Line 23, by inserting before said line, all of the following:

“135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an

investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state-designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) In addition to all other satellite zones authorized in this section, any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants, which includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred thirteen thousand two

hundred but less than one hundred thirteen thousand three hundred inhabitants, which includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits along the southwest corner of any intersection of two United States interstate highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(6) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state-designated enterprise zone within the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority of the city submits a plan describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan.

**(7) In addition to all other satellite zones authorized in this section, any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county and which lies adjacent to any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants and which contains an enterprise zone may, upon approval of the director and the governing authorities of the city of the fourth classification and the home rule city, designate one satellite zone within its corporate limits. The satellite enterprise zone**

**authorized by this subsection shall be designated only if it meets the criteria established by subsection 2 of this section. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.**

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state-designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents

employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to [135.255] **135.258**.

135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise

zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants.

Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

8. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for any area that includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

9. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

10. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than two thousand nine hundred located in a county of the third classification without a township form of government with a population of less than twelve thousand and more than eleven thousand seven hundred inhabitants. Such enterprise zone

designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

11. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a county of the third classification without a township form of government with a population of less than twenty-four thousand five hundred and more than twenty-four thousand inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

**12. In addition to the number of enterprise zones authorized in this chapter, the department of economic development shall designate one such zone for any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.**

135.209. 1. Any city in which an enterprise zone is designated pursuant to subsection 5 **or subsection 12** of section 135.208 may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite enterprise zone within its corporate limits. A prerequisite for the designation of the satellite zone shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. The satellite enterprise zone authorized by this section shall be designated only if it meets the criteria established by subdivisions (1) to (4) of subsection 2 of section 135.207. Retail businesses, as identified by the 1997 North American Industry

Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.

**135.214. 1. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone that shall be located partially in any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred inhabitants and partially in any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants and shall include all area in between any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred inhabitants and any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants with specific boundaries to be determined by the department of economic development in conjunction with the governing authority of the county. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.**

**2. Notwithstanding the provisions of section 135.230, to the contrary, any enterprise zone designated in any county of the third classification with a township form of government and with more than thirteen thousand seven hundred but less than thirteen thousand eight hundred inhabitants or designated in any county of the third classification without a township form of government and with more than fifteen thousand seven hundred but less than fifteen thousand eight hundred inhabitants shall not expire before December 31, 2015.**

**3. In addition to the number of enterprise zones authorized by the provisions of sections 135.200 to 135.270, the department of economic development shall designate one such zone in**

**every county of the third classification without a township form of government and with more than six thousand seven hundred fifty but less than six thousand eight hundred fifty inhabitants. Such designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.**

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

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

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 135.751, Page 29, Line 24 by deleting the words, **“1. As used in this section, the following terms”**; and

Further amend said bill, Section 135.751, Pages 30 to 36, by deleting all of said pages; and

Further amend said bill, Section 135.751, Page

37, Lines 1 to 13, by deleting all of said lines; and

Further amend said bill, Section 135.751, Page 37, Line 14, by deleting “8.”; and

Further amend said bill, Section 135.750, Pages 97 to 99, by deleting all of said section; and

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

#### HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.751, Page 29, Line 24, before said line, by inserting the following:

“135.750 1. Beginning January 1, 1999, a taxpayer shall be granted a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo, for up to fifty percent of the amount of investment in production or production-related activities in a qualified film production project. As used in this section, the term “taxpayer” means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term “qualified film production project” means any film production project with an expected in-state expenditure budget in excess of [three hundred thousand] **one million** dollars. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

2. Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the application shall include an economic impact statement, showing

the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

3. Tax credits certified pursuant to subsection 1 of this section shall not exceed five hundred thousand dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of [one] **three million** dollars per year. **Any unused amount of the cap shall rollover to the next year.** Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

4. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 1 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.”; and

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

#### HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 13, Section 94.270, Line 1, by inserting after all of said line the following:

**“94.839. 1. The governing body of any city of the fourth classification with more than four thousand eight hundred but less than four thousand nine hundred inhabitants and located**

in any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism. The order or ordinance shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

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

Shall ..... (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in ..... (name of city) at a rate of ..... (insert rate of percent) percent, solely for the purpose of promoting tourism?

YES                       NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Any tax imposed under this section shall be administered, collected, enforced, and

operated by the governing body of the city adopting the tax. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ..... (insert the name of the city) repeal the tax imposed at a rate of ..... (insert rate of percent) percent for the purpose of promoting tourism?

YES                       NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor

**of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.**

**6. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and**

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 1182** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

**HOUSE BILLS ON THIRD READING**

**HB 869**, introduced by Representative Townley, et al, entitled:

An Act to repeal sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, and to enact in lieu thereof eight new sections relating to veterinarians.

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

On motion of Senator Caskey, **HB 869** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator 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.

**REPORTS OF STANDING COMMITTEES**

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

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

**HOUSE BILLS ON THIRD READING**

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **SCS** for **HS** for **HCS** for **HB 1453**, 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	Stelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Bray—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

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

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

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

**HCS** for **HB 1449**, 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 Vogel.

On motion of Senator Vogel, **HCS** for **HB 1449** 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
Stelman	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 Vogel, title to the bill was agreed to.

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

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

**HB 841**, with **SCS**, introduced by Representative Angst, entitled:

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

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

**SCS** for **HB 841**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 841

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

Was taken up.

Senator Stelman moved that **SCS** for **HB 841** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 841, Page 1, Section A, Line 2, by inserting after all of said line the following:

“306.114. 1. No person convicted of or pleading guilty to a violation of section 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

2. Chemical tests of a person's blood, breath, or saliva to be considered valid under the provisions of sections 306.111 to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. **In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section 306.111 or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.**

3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 306.111 to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.

4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to a venapuncture. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him.

5. No person who administers any test pursuant to the provisions of sections 306.111 to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing to take a test as provided in sections 306.111 to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered.”; and

Further amend the title and enacting clause accordingly., which motion prevailed.

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

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 841, Page 1, Section 306.325, Line 13, by deleting from said line the word “other” and inserting in lieu thereof the word “**similar**”; and

Further amend same page, same section, line 17, by deleting the words “such container” and inserting in lieu thereof the words “**a cooler, icebox, or similar nonglass container**”.

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

Senator Steelman moved that **SCS** for **HB 841**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HB 841**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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	Stelman
Stoll	Wheeler	Yeckel—31	

NAYS—Senators

Bartle	Shields—2
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Absent—Senator Vogel—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Klindt moved that the Senate refuse to

recede from its position on **SS** for **SCS** for **HCS** for **HB 1182**, as amended, and grant the House a conference thereon, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

Senator Klindt moved that **HCS** for **HB 980**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS** for **HCS** for **HB 980** was taken up.

At the request of Senator Klindt, the above substitute bill was withdrawn.

Senator Klindt offered **SS No. 2** for **HCS** for **HB 980**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 980

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

Senator Klindt moved that **SS No. 2** for **HCS** for **HB 980** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 6, Section 1, Line 25, by striking the word “and” and replacing in lieu thereof the following: “**an**”.

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

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 2, Section 640.015, Line 27 of said page, by striking the comma “,” after the word “rule” and inserting in lieu thereof a semicolon “;”; and further amend line 28 of said page, by striking said line.

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

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

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

“84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, [not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary,] for the appointment, employment, uniforming, discipline, trial and government of the police. [The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge] **Effective January 1, 2005, all existing and future rules and regulations promulgated under the provisions of this section shall be promulgated under the provisions of chapter 536, RSMo. 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.”; and**

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

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

At the request of Senator Dolan, **SA 3** was withdrawn, rendering the point of order moot.

At the request of Senator Klindt, **HCS for HB 980**, with **SS No. 2**, as amended (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the 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 968 and SCS for SB 969**, as amended. Representatives Baker, Cunningham (86), Wallace, Wildberger and Davis (122).

Also,

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

Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 758**. Representatives Nieves, Cooper (120), Sutherland, Corcoran and Villa.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended. Representatives Goodman, Schlottach, Wright, Harris (23) and LeVota.

### 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 1182**, as amended: Senators Klindt, Cauthorn, Scott, Bray and Mathewson.

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

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1278**, with **SCS**, entitled:

An Act to repeal sections 374.160, 375.001, 375.246, 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 375.1220, 376.421, 376.424, 376.426, 376.816, 376.960, 376.961, 376.966, 376.975, 376.980, 376.986, 379.110, 379.815, 379.825, 379.930, 379.938, 379.940, 379.942, 379.943, 379.952, 382.210, 384.043, 384.062, 384.065, 407.730, and 407.735, RSMo, and to enact in lieu thereof forty-four new sections relating to insurance, with an effective date.

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

**SCS** for **HCS** for **HB 1278**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1278

An Act to repeal sections 376.421, 376.424,

376.426, 376.816, 379.930, 379.938, 379.940, 379.942, 379.943, and 379.952, RSMo, and to enact in lieu thereof seventeen new sections relating to health insurance, with an effective date.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 1278** be adopted.

Senator Loudon offered **SS** for **SCS** for **HCS** for **HB 1278**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1278

An Act to repeal sections 376.421, 376.424, 376.426, 376.816, 379.930, 379.938, 379.940, 379.942, 379.943, and 379.952, RSMo, and to enact in lieu thereof sixteen new sections relating to health insurance, with an effective date.

Senator Loudon moved that **SS** for **SCS** for **HCS** for **HB 1278** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1278, Page 74, Section 379.952, Line 16, by inserting after all of said line the following:

“538.210. 1. **In order to reduce medical malpractice insurance premiums paid by health care providers**, in any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than [three] **four** hundred [fifty] thousand dollars [per occurrence] for noneconomic damages [from any one defendant as defendant is defined in subsection 2 of this section] **irrespective of the number of defendants**.

2. [“Defendant” for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees

who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes.]

**3. No hospital or other health care provider shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of that hospital or other health care provider.**

[3.] **4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

[4.] **5. Beginning on August 28, 2004,** the limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as

practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5.] **6.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 1** is out of order as it is not germane and goes beyond the scope and purpose of the bill.

Senator Bartle assumed the Chair.

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

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

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1278, Page 1, Section 376.381, Lines 7-8, by striking the phrase: “health carrier, as defined in section 376.1350”, and inserting in lieu thereof “health maintenance organization, as defined in section 354.400.”; and

Further amend said bill, lines 9-10, by striking the language “, coinsurance, coinsurance differentials.”; and

Further amend said bill, line 11, by inserting after the word “holder” the following: “Copayments shall be stated as either a percentage as a percentage or as a specific dollar amount in the evidence of coverage.”; and

Further amend page 2, section 376.381, line 8, by deleting the word “that” in said line; and further

amend said bill, line 13, by changing the term “by” to “be”.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **HCS** for **HB 1278**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HB 1453** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, and grant the House a conference thereon, which motion prevailed.

President Maxwell assumed the Chair.

### 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 **HS** for **HCS** for **HB 1453**, as amended: Senators Shields, Champion, Steelman, Dougherty and Wheeler.

### HOUSE BILLS ON THIRD READING

Senator Steelman moved that **HS** for **HCS** for **HJR**s **39, 38, 42** and **47**, with **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SSA 1** for **SA 2** was again taken up.

Senator Bray offered **SA 1** to **SSA 1** for **SA 2**,

which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Lines 1-5, by striking all of said lines and inserting in lieu thereof the following: “Marriage is a liberty interest which all citizens of this state shall have the right to enjoy.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Steelman, **HS** for **HCS** for **HJR**s **39, 38, 42** and **47**, with **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1182**, as amended. Representatives: Munzlinger, Guest, Hobbs, Shoemyer 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 **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended. Representatives: Hanaway, Stevenson, Wright, Bishop and Wilson (25).

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 **SS** for **SCS** for **SB 1122**, entitled:

An Act to repeal sections 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.051, 332.071, 332.081, 332.086, 332.111, 332.121, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.016, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.220, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 436.200, 436.205, 436.209, 436.212, 620.127, and 620.145, RSMo, and to enact in lieu thereof one hundred two new sections relating to professional licensing, with penalty provisions, with an effective date.

With House Amendments Nos. 1 and 6.

#### HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 3, Section 209.321, by deleting all of said section; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 86, Section 337.615, Line 24, by inserting after all of said line the following:

**“337.642. No official, employee, board, commission, or agency of the state of Missouri, any county, any municipality, any school district, or any other political subdivision shall discriminate between persons licensed under section 337.600 to 337.689, when promulgating regulations or when requiring or recommending services that legally may be performed by persons licensed under sections 337.600 to 337.689.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 1548** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### PRIVILEGED MOTIONS

Senator Yeckel moved that **SCS** for **SB 1365**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 1365**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1365

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 1365** 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	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

#### NAYS—Senators—None

#### Absent—Senators

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

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 1365** 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	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode	Mathewson	Quick—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 884** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 884**

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 884, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 884;

2. That the Senate recede from its position on Senate Bill No. 884;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 884, be Third Read and Finally Passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ David H. Klindt	/s/ Richard Byrd
/s/ Matt Bartle	/s/ Brad Lager
/s/ Michael R. Gibbons	/s/ Brian Yates
/s/ Ken Jacob	/s/ Philip Willoughby
/s/ Harold Caskey	/s/ Michael Vogt

Senator Klindt moved that the above conference committee report 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	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Goode	Kinder	Mathewson	Quick—4
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Absent with leave—Senators—None

On motion of Senator Klindt, **CCS** for **HCS** for **SB 884**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 884**

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the reviser of statutes.

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	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

## NAYS—Senators—None

## Absent—Senators

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

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Cauthorn moved that the Senate refuse to recede from its position on **SCS** for **HB 1548**, as amended, and grant the House a conference thereon, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1548**, as amended: Senators Cauthorn, Klindt, Vogel, Caskey and Dougherty.

**PRIVILEGED MOTIONS**

Senator Vogel moved that the Senate refuse to concur in **HS** for **HCS** for **SB 1394**, 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.

**RESOLUTIONS**

Senator Yeckel offered Senate Resolution No. 1962, regarding Michael Lock, which was adopted.

Senator Yeckel offered Senate Resolution No. 1963, regarding Susan Y. Askew, which was adopted.

Senator Yeckel offered Senate Resolution No. 1964, regarding the Eightieth Birthday of Kenneth M. Wilhelms, Grantwood Village, which was adopted.

Senator Scott offered Senate Resolution No. 1965, regarding the Honorable Ralph Pitts, Golden City, which was adopted.

Senator Scott offered Senate Resolution No. 1966, regarding Suzanne Bush, Clinton, which was adopted.

Senator Bray offered Senate Resolution No. 1967, regarding Wynn Miller, Webster Groves, which was adopted.

Senator Champion offered Senate Resolution No. 1968, regarding Andrew Cotton, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 1969, regarding Matthew Helfer, Springfield, which was adopted.

**INTRODUCTIONS OF GUESTS**

Senator Kennedy introduced to the Senate, Nancy Lieberman, Clayton.

Senator Klindt introduced to the Senate, Ashlee, Bobbie and Alan Karguth, Helena.

Senator Dougherty introduced to the Senate, Roberta Goldfeder and Charla Gray, and Eleanore Arden-Joly, Elizabeth Boyle, Anne-Marie Di Bisceglie, Chase Dribben, Ian Fletcher, Clayton Gwinnup, Andrea Herman, Meredith Hermann, Jimmy Hildreth, Katherine Kirchoff, Madeline Kirschner, Nora Kovacs, Alex Listrom, Rachel McAllister, Margaret Mulligan, Mia Owens, Claire

Pfeifer, Madison Qualy, David Rhodes, Jacqueline Schechter, Samantha Garner Scherrer, Elan Shatoff, Miltiades "Milti" Symeonoglou, fourth

grade students from Wilson School, St. Louis.

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

SENATE CALENDAR

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SEVENTY-FIRST DAY—THURSDAY, MAY 13, 2004

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FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-  
Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

- |   |  |
|---|--|
| 1. HS for HB 1339-Cunningham (86) (Loudon)                      | 6. HCS for HB 1118, with SCS (Dolan)           |
| 2. HCS for HB 1099 (Shields)                                    | 7. HB 1504-Lipke and Crowell (Dolan)           |
| 3. HS for HCS for HB 852-Holand, with SCS<br>(Champion)         | 8. HB 1109-Crawford, et al (Cauthorn)          |
| 4. HCS for HB 1509 (Shields)                                    | 9. HCS for HB 1152 (Nodler)                    |
| 5. HCS for HB 855, with SCS (Steelman)<br>(In Fiscal Oversight) | 10. HB 1160-Parker, et al, with SCS (Steelman) |
|   | 11. HB 844-Mayer, et al (Loudon)               |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS  
SB 735-Foster, et al, with SCS  
SBs 738 & 790-Loudon, with SCS & SS for SCS  
(pending)

SS for SS for SCS for SB 755-Shields  
SBs 774 & 915-Wheeler, with SCS  
SB 787-Childers, with SCS, SA 1 &  
SSA 1 for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS & SA 2  
(pending)  
SB 817-Kennedy and Griesheimer, with SCS  
SB 856-Loudon, with SCS, SS for SCS, SS  
for SS for SCS, SA 2 & SSA 1 for SA 2  
(pending)  
SB 906-Foster, with SCS, SS for SCS & SA 2  
(pending)  
SBs 908 & 719-Cauthorn, with SCS  
SB 933-Yeckel, et al  
SB 989-Gross, et al, with SCS (pending)  
SB 990-Loudon, with SCS  
SB 1037-Steelman and Stoll, with SCS  
SBs 1069, 1068, 1025, 1005 & 1089-Gross  
and Griesheimer, with SCS, SS for  
SCS, SA 2 & SA 2 to SA 2 (pending)  
SB 1124-Goode and Steelman, with SCS  
SB 1128-Cauthorn, with SCS  
SB 1132-Steelman, et al, with SCS  
SB 1138-Bartle

SB 1159-Foster and Dougherty  
SB 1180-Shields and Kinder, with SCS  
SB 1198-Russell, with SCA 1  
SB 1213-Steelman and Gross, with SCS  
SB 1227-Russell, et al, with SCS  
SB 1232-Clemens, et al, with SCS (pending)  
SB 1234-Mathewson and Childers, with  
SCS, SS for SCS, SA 4 & point of order  
(pending)  
SB 1254-Klindt, with SCS  
SB 1277-Yeckel, with SCS  
SBs 1332 & 1341-Caskey and Mathewson,  
with SCS  
SB 1355-Days  
SB 1366-Yeckel, with SCS  
SJR 24-Caskey and Bartle, with SCS  
SJR 25-Yeckel  
SJR 26-Yeckel  
SJR 40-Stoll  
SJR 41-Kinder, et al, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)  
SS for SCS for HCS for HBs 946, 1106 & 952  
(Dolan) (In Fiscal Oversight)  
HCS for HB 955 (Yeckel)  
HB 956-May (149) (Steelman)  
HB 969-Cooper, et al (Bartle)  
(In Fiscal Oversight)  
HCS for HB 980, with SS#2 (pending) (Klindt)  
HCS for HBs 1098 & 949 (Childers)  
HS for HCS for HB 1150-May, with SCS &  
SS for SCS (pending) (Scott)  
HS for HCS for HB 1195-Behnen, with SCS  
(Yeckel)  
HCS for HB 1209 (Kinder)  
HCS for HB 1277, with SCS (Steelman)  
HCS for HB 1278, with SCS, SS for SCS &  
SA 2 (pending) (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)  
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 &  
SA 1 to SSA 1 for SA 2 (pending) (Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Unofficial

Reported 4/15

HCS for HB 912 (Goode)

HB 904-Luetkemeyer (Vogel)

HB 1149-May, et al (Steelman)

HB 1427-Portwood (Wheeler)

HB 1442-Lipke, et al (Kinder)

HB 994-Cunningham (145), et al (Scott)

HCS for HB 1179 (Days)

HB 1048-Parker, et al (Klindt)

HCS for HBs 1631 & 1623 (Champion)

Journal

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SS for SCS for SB 1122-Shields,  
with HS for HCS, as amended

SCS for SB 1269-Yeckel, with HS for HCS,  
as amended

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BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended  
SCS for SB 758-Griesheimer, with HCS

SCS#2 for SB 762-Champion, with HS for  
HCS, as amended

SB 884-Klindt, with HCS (Senate adopted CCR and passed CCS)

SB 932-Loudon, with HS, as amended  
SS for SCS for SB 968 & SCS for SB 969-

Shields, with HS for HCS, as amended  
SCS for SBs 1020, 889 & 869-Steelman,

et al, with HS for HCS, 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 1182, with SS for SCS,  
as amended (Klindt)

HCS for HB 1288, with SS for SCS, as amended  
(Griesheimer)

HCS for HB 1305, with SCS, as amended  
(Scott) (House adopted CCR and  
passed CCS)

HS for HCS for HB 1453-Hanaway, with SS  
for SCS, as amended (Shields)

HS for HB 1487-Self, with SA 1, as amended &  
SA 2 (Scott)

HB 1548-Crawford, with SCS, as amended  
(Cauthorn)

HCS for HB 1617, with SSA 1 for SA 1 (Bartle)

Unofficial  
Requests to Recede or Grant Conference

SB 1394-Vogel, with HS for HCS, as amended  
(Senate requests House recede or  
grant conference)

Journal  
RESOLUTIONS

Reported from Committee

SCR 46-Gross

SR 1877-Dougherty

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