

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY—THURSDAY, MAY 13, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Thou shalt no larger be than thy desire.” (John Milton)

Merciful Father, the day begins and we are once again given the opportunity to seek a greater good and act boldly in a generous way that can produce what we truly desire from our work here. Bless us with a bold vision to accomplish grand things through our personal actions and our public service even now as we prepare to wrap up this session. In Your holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV, KMIZ-TV and the Columbia Missourian were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	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 Shields offered Senate Resolution No. 1970, regarding Andrew Richard Bunge, St. Joseph, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1548**, as amended. Representatives: Deeken, Crawford, Byrd, Seigfreid and Walsh.

Also,

Mr. President: I am instructed to inform the Senate that the House has taken up and adopted

HCS for SS for SCS for SCR 36.

HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, underage drinking is an issue of concern to the citizens of our state; and

WHEREAS, research indicates teenagers and their parents are not well informed about the legal, social, and other consequences of underage drinking; and

WHEREAS, underage drinking may lead to social disruption, individual impairment and emotional maladjustment with tragic consequences:

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 create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of eight members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; and four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

In which the concurrence of the Senate is respectfully requested.

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 **HCS for HB 855**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SCS for SB 758** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 758

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758;

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

758;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John E. Griesheimer	/s/ Brian Nieves
/s/ Peter Kinder	/s/ Shannon Cooper
/s/ Doyle Childers	/s/ Mike Sutherland
/s/ Rita Heard Days	/s/ Michael G. Corcoran
/s/ Stephen Stoll	/s/ Thomas Villa

Senator Griesheimer 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	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 Griesheimer, **CCS** for **HCS** for **SCS** for **SB 758**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 758

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

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 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 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.

HOUSE BILLS ON THIRD READING

HS for HB 1339 was placed on the Informal Calendar.

HCS for **HB 1099**, entitled:

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

Was taken up by Senator Shields.

Senator Shields offered **SS** for **HCS** for **HB 1099**, entitled:

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

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof twenty new sections relating to taxation.

Senator Shields moved that **SS** for **HCS** for **HB 1099** be adopted.

At the request of Senator Shields, **HCS** for **HB 1099**, with **SS** (pending) was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SS** for **SCS** for **SCR 36**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SS** for **SCS** for **SCR 36** was taken up.

Senator Gibbons moved that **HCS** for **SS** for **SCS** for **SCR 36** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Scott—2

Absent with leave—Senators—None

On motion of Senator Gibbons, **SS** for **SCS** for **SCR 36**, as amended by **HCS**, 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	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Quick Scott—2

Absent with leave—Senators—None

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 852**, with **SCS**, introduced by Representative Holand, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up by Senator Champion.

SCS for **HS** for **HCS** for **HB 852**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 852

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

Senator Champion moved that **SCS** for **HS** for **HCS** for **HB 852** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852, Page 1, Section 191.235, Line 1, by deleting "April" and inserting "May" and on line 9, by deleting "April" and inserting "May" and on line 16, by deleting "April" and inserting "May".

Senator Dougherty moved that the above amendment be adopted.

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

At the request of Senator Champion, **HS** for **HCS** for **HB 852**, with **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Hal M. Agler, as a member of the State Committee for Social Workers;

Also,

Karen M. Graves, as a member of the Tourism Commission;

Also,

Stephen B. Hoven, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Dawn M. Fuller, as a member of the Child Abuse and Neglect Review Board;

Also,

Jeffrey N. Davis, as a member of the Public Service Commission;

Also,

Arvid E. West, Jr., as a member of the Missouri Veterans' Commission;

Also,

Joyce A. Mitchell, Ph.D. and Dawn Spellerberg Peck, as members of the Missouri Genetic Disease Advisory Committee;

Also,

Penny V. Hubbard, as a member of the Board of Probation and Parole;

Also,

Shirley Langley Hindman, Ph.D., as a member of the State Board of Education;

Also,

Bill M. Burch and John D. Starr, as members of the Missouri Development Finance Board;

Also,

Betty Cooper Hearnes, as a member of the Second State Capitol Commission;

Also,

Jeffrey W. Siria, Ph.D., as a member of the Advisory Committee on Lead Poisoning;

Also,

James P. Ford, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Ollie C. Fischer, D.M.D., as a member of the State Board of Health.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and

reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, entitled:

An Act to repeal sections 21.795, 67.1800, 67.1808, 67.1818, 137.298, 144.025, 226.030, 226.060, 301.010, 301.020, 301.025, 301.041, 301.069, 301.129, 301.130, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.290, 301.444, 301.463, 301.469, 301.562, 301.566, 301.681, 301.2999, 301.3098, 302.130, 302.171, 302.173, 302.177, 302.181, 302.225, 302.230, 302.272, 302.302, 302.309, 302.700, 302.720, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.013, 304.035, 304.070, 304.155, 304.156, 304.157, 304.170, 304.190, 306.461, 306.530, 307.020, 307.040, 307.100, 307.400, 365.020, 365.080, 365.100, 390.020, 390.136, 390.340, 407.567, 407.730, 407.735, 408.140, 577.054, 577.080, 622.095, 622.618, and 700.320, RSMo, and to enact in lieu thereof one hundred twenty-nine new sections relating to motor vehicles, with penalty provisions, an effective date for certain sections and an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840, and 1043, Page 15, Section 67.1800, Lines 2 to 22 of said page, by deleting all of said lines and inserting the following: “**and premium sedans referred to collectively as taxicabs;**”; and

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute

for Senate Committee Substitute for Senate Bill Nos. 1233, 840, & 1043, Page 22, Section 137.298, Line 18 of said page, by inserting after the word “**paid.**” and before the word “**For**” the following: “**If the outstanding vehicle-related fees and fines are against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the county governing body and county collector a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for these fees or fines under this subsection unless prior written notice of the fees or fines have been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.**”; and

Further amend said bill, Page 57, Section 301.025, Line 17 of said page, by inserting after the word “**registration.**” and before the word “**For**” the following: “**If the vehicle-related fees and fines are assessed against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county with a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for fees or fines under this subsection, nor shall the registration of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of**

such notice. Any notification to a rental or leasing company that is returned to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 30, Section 226.060, Line 14, by inserting immediately after said line the following:

226.092. The state highways and transportation commission is authorized, when considered by it to be in the public interest, to provide [as part compensation to the employee involved,] liability insurance covering the operation of [state-owned vehicles involved in the performance of operations of the] **all motor vehicles and equipment, including airplanes and boats, owned, leased, rented, or operated pursuant to commission authorization and used in the performance of official commission or department business.** The commission is authorized to provide such insurance coverage for [its employees] **all authorized operators, as determined by the commission,** and the commission's liability by a plan of self-insurance or by a plan partially self-insured and partially insured by a contract of insurance with an insurance **with an insurance company or by a plan fully insured by a contract of insurance** company as the commission deems to be in the public interest. If the commission provides for a plan of self-insurance or partial self-insurance, it shall annually determine the amount of contribution to the plan required to pay all accrued and anticipated claims and the cost of administering the plan and shall include such amount in its budget request for contribution to the [highways and transportation commission automobile liability insurance]

commission's self-insurance plan. The commission may contract for the services of such actuaries, consultants, and claims administrators as it deems necessary for the effective administration of a [self-insured automobile liability] **self-insurance** plan and is authorized to contract for excess insurance coverage with an insurance company authorized to write such coverage in this state. The immunity in tort actions of the state and the [state highways and transportation commission] shall not be in any way affected by this section.

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 184, Section 301.3155, Line 13, by deleting the words “**Go Red For Women**” and inserting in lieu thereof the words “**Red Dress Icon**”; and

Further amend said bill, Page 185, Section 301.3155, Line 6, by deleting the words “**Go Red For Women**” and inserting in lieu thereof the words “**Red Dress Icon**”; and

Further amend said bill, Page 185, Section 301.3155, Lines 7 through 9, by deleting all of said lines and inserting the following: “**the words “Winning Women” shall replace the words “SHOW-ME STATE”. Such license plates shall be made with fully**”; and

Further amend said bill, Page 185, Section 301.3155, Line 17, by deleting the words “**Go Red For Women**” and inserting in lieu thereof the words “**Red Dress Icon**”; and

Further amend said bill, Page 185, Section 301.3155, Line 20, by deleting the words “**Go Red For Women**” and inserting in lieu thereof the words “**Red Dress Icon**”; and

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

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 367, Section 1, Line 13, by inserting after all of said line the following:

“Section 2. For the purposes of sections 302.130, 302.171, 302.177, 302.181, 302.720, and 302.735, RSMo, United States citizens shall be considered “lawfully present” regardless of their physical location at any given time.”; and

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

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 1233, 840 and 1043, Page 30, Section 226.060, Line 14 of said page, by inserting immediately after said line the following:

“227.120. 1. The state highways and transportation commission shall have power to purchase, lease, or condemn, lands in the name of the state of Missouri for the following purposes when necessary for the proper and economical construction and maintenance of state highways:

(1) Acquiring the right-of-way for the location, construction, reconstruction, widening, improvement or maintenance of any state highway or any part thereof;

(2) Acquiring bridges or sites therefor and ferries, including the rights and franchises for the maintenance and operation thereof, over navigable streams, at such places as the state highways and transportation commission shall have authority to construct, acquire or contribute to the cost of construction of any bridge;

(3) Acquiring the right-of-way for the location, construction, reconstruction, widening, improvement or maintenance of any highway ordered built by the bureau of public roads of the Department of Agriculture of the United States government;

(4) Obtaining road building or road

maintenance materials or plants for the manufacture or production of such materials and acquiring the right-of-way thereto; also acquiring the right-of-way to such plants as are privately owned when necessary for the proper and economical construction of the state highway system;

(5) Changing gradients in any state highway;

(6) Establishing detours in connection with the location, construction, reconstruction, widening, improvement or maintenance of any state highway or any part thereof;

(7) Changing the channels of any stream and providing for drainage ditches when necessary for the proper construction or maintenance of any state highway;

(8) Eliminating grade crossings;

(9) Acquiring water supply and water power sites and necessary lands for use in connection therewith, including rights-of-way to any such sites;

(10) Acquiring sites for garages and division offices and for storing materials, machinery and supplies;

(11) Acquiring lands for sight distances along any state highway or any portion thereof whenever necessary, and also acquiring lands within wyes formed by junctions of state highways, or junctions of state highways and other public highways;

(12) Acquiring lands or interests therein for the purpose of depositing thereon excess excavated, or other materials produced in the construction, reconstruction, widening, improvement or maintenance of any state highway;

(13) Acquiring lands for any other purpose necessary for the proper and economical construction of the state highway system for which the commission may have authority granted by law. If condemnation becomes necessary, the commission shall have the power to proceed to condemn such lands in the name of the state of Missouri, in accordance with the provisions of chapter 523, RSMo, insofar as the same is

applicable to the said state highways and transportation commission, and the court or jury shall take into consideration the benefits to be derived by the owner, as well as the damage sustained thereby. The state highways and transportation commission also shall have the same authority to enter upon private lands to survey and determine the most advantageous route of any state highway as granted, under section 388.210, RSMo, to railroad corporations.

2. In any case in which the commission exercises eminent domain involving a taking of real estate, the court, commissioners, and jury shall consider the restriction of or loss of access to any adjacent highway as an element in assessing the damages. As used in this subsection, "restriction of or loss of access" includes, but is not limited to, the prohibition of making right or left turns into or out of the real estate involved, provided that such access was present before the proposed improvement or taking." and

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

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 82, Section 301.134, Line 17 of said page, by inserting after all of said line the following:

"301.141. **1.** Fraudulent procurement or use of disabled-person license plates or windshield placards shall be a class [C] **B** misdemeanor. [It is a class C misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice.]

2. Any physician or other health care practitioner authorized to issue a physician's statement or certificate to enable persons to obtain disabled license plates or windshield

hanging placards pursuant to section 301.142, who issues, signs, or furnishes such statement or certificate to any person who does not meet one or more of the conditions set forth in subsection 1 of section 301.142, if there is no basis for the diagnosis given, or who issues, signs, or furnishes such statement for a condition, the diagnosis of which is outside the scope of such health care provider's license, is guilty of a class B misdemeanor.

301.142. 1. As used in [this section the term] sections 301.141 to 301.143, the following terms mean:

(1) "Department", the department of revenue;

(2) "Director", the director of the department of revenue;

(3) "Other authorized health care practitioner", includes only chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;

(4) "Physically disabled" [means], a natural person who is [a] blind [person], as defined in section 8.700, RSMo, or a natural person with **medical** disabilities which [limit or impair the] **prohibits, limits, or severely impairs one's** ability to **ambulate or** walk, as determined by a licensed physician **or other authorized health care practitioner** as follows:

[(1)] (a) The person cannot **ambulate or** walk fifty or less feet without stopping to rest due to a severe and disabling, arthritic, neurological, [or] orthopedic condition, **or other severe and disabling condition;** or

[(2)] (b) The person cannot **ambulate or** walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

[(3)] (c) Is restricted by [lung] **a respiratory or other** disease to such an extent that the person's forced respiratory expiratory volume for one

second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

[(4)] (d) Uses portable oxygen; or

[(5)] (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

[(6)] Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.]

(f) A person's age, in and of itself, shall not be a factor in determining whether such person is "physically disabled" or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

[2.] (7) "Temporarily disabled person" [means], a [physically] disabled person as defined in this section whose disability or incapacity [can be] is expected to last [for not] no more than one hundred eighty days.

[3.] 2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person

physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement, that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to **primarily** transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, **a current physician's statement which has been issued within ninety days preceding the date the application is made** and [by] **proof of compliance with the** state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4.] **8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable**

disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director [of revenue] for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in [subsection 3 of] this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

[5.] **10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. [to] The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be**

displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be four dollars and the removable windshield placard shall be renewed every two years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard [shall] **may** be issued to an applicant who has not been issued disabled person license plates, **at the appropriate fee.**

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, **and for good cause shown**, one additional temporary windshield placard [shall] **may** be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to [subsection 6 of] this section is supplied to the director of revenue at the time of renewal. [The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the

time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

6.] **13.** Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician **or other authorized health care practitioner** which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. [The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard.]

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or

windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for

the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director [may] shall, in cooperation with the boards which shall assist the director, establish a list of all [physicians' names] **Missouri physicians and other authorized health care practitioners** and of any other information necessary to administer this [subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection] **section.**

[7.] 20. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit [an affidavit] a **statement** stating this fact, in addition to the physician's statement. The [affidavit] **statement** shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this [affidavit] **statement** with each application for license plates. **No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420, RSMo.**

21. **The director of revenue shall retain all physician's statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.**

[8.] 22. The director of revenue shall enter into reciprocity agreements with other states or the

federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

[9.] **23.** When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of [such person] **the decedent or such other person who may come into or otherwise take possession, of the disabled license plates or disabled windshield placard** shall return [the plates or placards or both] the same to the director of revenue under penalty of law. **Failure to return such plates or placards shall constitute a class B misdemeanor.**

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

[10.] **26.** In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be [two] **four** dollars.

[11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new

physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director.

12.] **27.** Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public off-street parking facility or any other owner of private property may designate

reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the

exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue.

6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of [an infraction and shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars] **a class B misdemeanor.**

7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142.

8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate."; and

Further amend said bill, Page 298, Section 304.190, Line 15 of said page, by inserting after all of said line the following:

"304.601. 1. Designated disabled parking spaces may only be used when a disabled person, who has been issued disabled license plates or windshield hanging placards pursuant to the provisions of section 301.142, RSMo, or by those states with which the director has entered into reciprocity agreements as provided in section 301.142, RSMo, is then, or

immediately preceding being parked, was an occupant of the motor vehicle bearing the disabled license plate or windshield hanging placard or in cases where the motor vehicle bearing the disabled license plate or windshield hanging placard is then being used to deliver or collect one or more of the disabled persons for whom the disabled license plate or windshield hanging placard was issued.

2. The driver, or any occupant, of a motor vehicle bearing disabled license plates or a windshield hanging placard which is parked or has been observed to have been parking in a duly designated disabled parking space shall, upon request from any law enforcement officer or other duly constituted peace officer upon identification as such, produce the disabled registration certificate issued to the disabled person or entity as provided for in section 301.142, RSMo, or such other authorization to show that the driver, or any occupant of the vehicle is lawfully entitled to use a designated disabled parking space. The driver or any occupant of the motor vehicle shall, in addition to the certificate, produce other identification with a photograph of the disabled person for whom the disabled plates or windshield hanging placard was issued.

3. If the driver, or an occupant, of a motor vehicle which is parked or has been observed to have parked in a designated disabled parking space is unable to, or cannot, produce the certificate as provided for in section 301.142, RSMo, or other proper authorization showing that the vehicle is being used, or has been lawfully parking in a disabled parking space, the operator is guilty of a class A misdemeanor. However, no person shall be found guilty of violating this section if the operator produces such a certificate to the court that was valid at the time of the citation for a person who was using the vehicle.

4. The windshield hanging placard shall only be used when the vehicle is parked in a disabled parking space. It shall be unlawful for

any person to operate or drive a motor vehicle with a windshield hanging placard hanging from the inside rearview mirror.”; and

Further amend said bill, Page 368, Section C, Line 30 of said page, by deleting all of said line and inserting the following: “67.1808, 301.132, 301.141, 301.142, 301.143, 301.144, 301.190, and 301.444, and the”; and

Further amend said bill, Page 369, Section C, Line 3 of said page, by deleting all of said line and inserting the following: “304.155, 304.156, 304.157, and 304.601 of section A of this act shall”; and

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

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 361, Section 622.095, Line 21, by inserting after said line the following:

“622.350. In all trials, actions, suits and proceedings arising under the provisions of this chapter or growing out of the exercise of the authority and powers granted in this chapter to the [division] **state highways and transportation commission**, the burden of proof shall be upon [the party adverse to the division] **state highways and transportation commission**. **The state highways and transportation commission shall** [or seeking to set aside any determination, requirement, direction or order of the division, to] show by clear and satisfactory evidence that the determination, requirement, direction or order of the [division] **state highways and transportation commission is reasonable or lawful** [complained of is unreasonable or unlawful] as the case may be.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Shields moved that HCS for HB 1099, with SS (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Shields, SS was withdrawn.

On motion of Senator Shields, HCS for HB 1099 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senator Goode—1

Absent—Senators

Coleman Quick—2

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.

Senator Klindt moved that HCS for HB 980, with SS No. 2, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for HCS for HB 980, as amended, was again taken up.

Senator Jacob offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 2, Section 640.015, Lines 8-9, by striking the words “probable qualitative and quantitative impact of the proposed rule, including”; and

Further amend same section, same page, line 10, by inserting after the word “benefits” the words “of the proposed rule”; and

Further amend same section, page 3, lines 8-11, by striking all of said lines and inserting in lieu thereof the following:

“(13) The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare, or environmental outcomes.”.

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

Senator Klindt moved that SS No. 2 for HCS for HB 980, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, SS No. 2 for HCS for HB 980, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Bland Bray Dougherty Goode—4

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

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 **HBs 946, 1106** and **952**, 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 Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106** and **952**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 946, 1106** and **952**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey	Shields—2
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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
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—Senator Caskey—1

Absent—Senators—None

Absent with leave—Senators—None

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.

HCS for **HB 1509**, entitled:

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health benefits for chiropractic care.

Was taken up by Senator Shields.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1509, Page 1, In the title, Line 3, by striking “health benefits for chiropractic care” and inserting in lieu thereof the following: “health insurance”; and

Further amend said bill, page 1, section A, line 2, by inserting after all of said line the following:

“376.1221. 1. Every health carrier, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued, or renewed after January 1, 2005, shall provide coverage for hearing aids

and associated hearing evaluations and consumable supplies that are prescribed and dispensed by appropriately licensed professionals to dependent children through age nineteen under a policy, contract, or plan.

2. The hearing aids covered pursuant to this section shall:

(1) Be an electronic, wearable device designed for the purpose of aiding or compensating for human hearing loss and any parts, attachments, or accessories, including earmolds; and

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years. This replacement provision shall not apply to Missouri medicaid and MC plus coverage policy which is set by federal requirements.

4. A health carrier subject to this section shall not cap the benefit payable for hearing aids to less than one thousand two hundred fifty dollars per hearing aid for each ear with a hearing loss. An insured or enrollee may choose a hearing aid that costs more than the benefit payable and may pay the difference between the cost of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health carrier from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. Coverage and benefits related to the health care services required by this section shall be at least as favorable and subject to the same dollar limits, deductibles and co-payments as other covered benefits or services. No health carrier subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; 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 Shields, HCS for HB 1509, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HS for SCS for SB 1155, entitled:

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110,

67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 67.1706, 67.1754, 71.620, 94.270, 99.1000, 99.1018, 100.255, 100.260, 100.270, 100.281, 100.710, 135.207, 135.215, 135.530, 144.757, 144.759, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof sixty-three new sections relating to economic development projects, with penalty provisions.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 130, Section 100.710, Line 33, by deleting the word “or” and adding in its place the word “of”.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 28, Section 67.1303, Line 23 of said page, by inserting after “**RSMo.**” the following:

“In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo.”;
and

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

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 50, Section 67.2500, Line 17, by deleting the word “**know**” and replacing with “**known**”; and

Further amend said bill, section 67.2520, Page 68, Line 13, by deleting the word “**beam**” and replacing with “**team**”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 1394**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 1394**, as amended: Senators Vogel, Bartle, Griesheimer, Callahan and Stoll.

On motion of Senator Gibbons, the Senate recessed until 1:30 p.m.

RECESS

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

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1971, regarding Cassie J. Carpenter, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1972, regarding Kari Willhite, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1973, regarding Bobby McCutcheon, which was adopted.

Senator Kennedy offered Senate Resolution

No. 1974, regarding Michael Sacco, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1975, regarding the Audrain Medical Center Auxiliary, Mexico, which was adopted.

Senator Nodler offered Senate Resolution No. 1976, regarding J. Phillip Fox, Cincinnati, Ohio, which was adopted.

Senator Nodler offered Senate Resolution No. 1977, regarding Donald Bingman, Denver, Colorado, which was adopted.

Senator Nodler offered Senate Resolution No. 1978, regarding Robert C. Cable, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 1979, regarding Wallace Labau, Boulder, Colorado, which was adopted.

Senator Stoll offered Senate Resolution No. 1980, regarding Jeffco Subcontracting, Incorporated, Arnold, which was adopted.

Senator Bray offered Senate Resolution No. 1981, regarding Dr. Margaret A. Scordias, Ladue, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for HB 855, with **SCS**, entitled:

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Was taken up by Senator Steelman.

SCS for HCS for HB 855, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 855

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Was taken up.

Senator Steelman moved that **SCS for HCS**

for **HB 855** be adopted.

Senator Steelman offered **SS for SCS for HCS for HB 855**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 855

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Senator Steelman moved that **SS for SCS for HCS for HB 855** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 855, Page 16, Section 376.1550, Line 2, by inserting after said line the following:

“7. The provisions of this section shall expire on January 1, 2009.”.

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

Senator Steelman moved that **SS for SCS for HCS for HB 855** be adopted, which motion prevailed.

On motion of Senator Steelman, **SS for SCS for HCS for HB 855** 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	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Vogel—3
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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 Cauthorn moved that **SCS** for **SB 1155**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 1155**, as amended, entitled:

HOUSE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1155

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 67.1706, 67.1754, 71.620, 94.270, 99.1000, 99.1018, 100.255, 100.260, 100.270, 100.281, 100.710, 135.207, 135.215, 135.530, 144.757, 144.759, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof sixty-three new sections relating to economic development projects, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **HS** for **SCS** for **SB 1155**, as amended, 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	Scott
Shields	Stelman	Stoll	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

On motion of Senator Cauthorn, **HS** for **SCS** for **SB 1155**, 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	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 762

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, with House Amendment Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, as amended;
2. That the Senate recede from its position on Senate Committee Substitute No. 2 for Senate Bill No. 762;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Norma Champion	/s/ Catherine L. Hanaway
/s/ Charlie Shields	/s/ Bryan P. Stevenson
/s/ Sarah H. Steelman	/s/ Mark Wright
/s/ Pat Dougherty	/s/ Vicky Riback Wilson
/s/ Charles Wheeler	/s/ Daniel P. Bishop

Senator Champion moved that the above conference committee report be adopted.

At the request of Senator Champion, the above

motion was withdrawn.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1020, 889** and **869**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1020, 889 and 869

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, with House Amendments Nos. 1, 5, 6, 9 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sarah H. Steelman	/s/ Jack A. L. Goodman
/s/ Norma Champion	/s/ Charles Schlottach
/s/ John E. Griseheimer	Mark Wright
/s/ Wayne Goode	/s/ Jeff Harris
/s/ Ed Quick	/s/ Paul LeVota

Senator Bartle assumed the Chair.

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

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—None

On motion of Senator Steelman, **CCS** for **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1020, 889 and 869

An Act to repeal sections 493.050, 610.010, 610.011, 610.015, 610.020, 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof fifteen new sections relating to public records, with penalty provisions and an emergency clause for a certain section.

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	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Dolan Wheeler—3

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	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—31	

NAYS—Senators—None

Absent—Senators

Bland Champion Dolan—3

Absent with leave—Senators—None

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.

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 **SB 1394**, as amended. Representatives: Cooper (120), Sutherland, Icet, Young and Burnett.

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 **SCS** for **SB 1196**, entitled:

An Act to repeal sections 320.094, 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof ten new sections relating to fireworks regulations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1040**.

With House Committee Amendment No. 1 and House Amendments Nos. 1 and 2.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1040, Page 13, Section 260.475, Line 27 of said page by deleting the word “Sixty” and inserting in lieu there of the word “[Sixty] **Forty**”; and

Further amend said page, Line 30 of said page by deleting the word “Forty” and inserting in lieu there of the word “[Forty] **Sixty**”; and

Further amend said page, Line 39 of said page by deleting the word “Sixty” and inserting in lieu there of the word “[Sixty] **Forty**”; and

Further amend said page, Line 40 of said page by deleting the word “Forty” and inserting in lieu there of the word “[Forty] **Sixty**”; and

Further amend said page, Line 45 of said page by deleting the word “Sixty” and inserting in lieu there of the word “[Sixty] **Forty**”; and

Further amend said page, Line 46 of said page by deleting the word “Forty” and inserting in lieu there of the word “[Forty] **Sixty**”; and

Further amend said substitute, Page 16, Section 260.479, Line 74 of said page by deleting the word “Sixty” and inserting in lieu there of the word “[Sixty] **Forty**”; and

Further amend said page, Line 77 of said page

by deleting the word “Forty” and inserting in lieu there of the word “[Forty] **Sixty**”.

Further amend said page, Line 85 of said page by inserting immediately after the word “date” the following:

“and reported to the department”; and

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

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1040, with House Committee Amendment 1, Page 14, Section 260.475, Line 57 of said page, by inserting immediately after the word “date” the following:

“**and reported to the department**”; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1040, Page 1, Section A, Line 3, by inserting after all of said line the following:

“260.335. 1. For fiscal years 1992-1997, one million dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials, and beginning in fiscal year 1998, ten percent of the moneys in the solid waste management fund, **from August 28, 2004, to August 28, 2005**, not to exceed [one million] **eight hundred thousand** dollars, shall be made available for such purposes. Up to [fifteen] **nineteen** percent of such moneys may be used, upon appropriation, to administer the management of household hazardous waste and agricultural hazardous waste from family farms and family farm corporations, as defined in section 350.010, RSMo, to provide for establishment of an education program and a plan for the collection of household hazardous waste on a statewide basis by

January 1, 2000. **After August 28, 2005, no more than one million dollars shall be made available for such purposes. Up to fifteen percent of such moneys may be used upon appropriation to administer the management of household hazardous waste and agricultural hazardous waste from family farms and family farm corporations, as defined in section 350.010, RSMo, to provide for establishment of an education program and a plan for the collection of household hazardous waste on a statewide basis by January 1, 2000.** The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining [moneys in] **revenues deposited into the fund each fiscal year** after moneys have been made available for market development under subsection 1 of this section shall be allocated as follows:

(1) **From August 28, 2004, to August 28, 2005,** up to [ten] **forty-two** percent of the [moneys] **revenues** shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally;

(2) Up to fifteen percent of the moneys may, upon appropriation, be used], **to conduct solid waste permitting activities,** to administer grants and perform other duties imposed in sections [260.255] **260.200** to 260.345 and section 260.432. **After August 28, 2005, up to twenty-five percent of the revenues shall be dedicated, upon appropriation, to the activities and duties authorized in this subdivision;**

[(3)] (2) **From August 28, 2004, to August**

28, 2005, at least [fifty] **fifty-eight** percent of the [moneys] **revenues** shall be allocated through grants, upon appropriation, to participating cities, counties, and districts [through grants or loans]. **After August 28, 2005, up to fifty percent of the revenues shall be allocated through grants, upon appropriation, to participating districts.** Forty percent of the revenue generated within each region and allocable under this subdivision may be allocated to the district upon approval of the department for implementation of a solid waste management plan **and district operations,** and sixty percent of the revenue generated within each region and allocable under this subdivision shall be allocated to the cities and counties [within] **of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties.** For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. **From August 28, 2004, to August 28, 2005,** each district shall receive a minimum of [forty-five] **seventy-five** thousand dollars under this subdivision. **After August 28, 2005, each district shall receive a minimum of forty-five thousand dollars under this subdivision.** Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department, and shall submit, within ninety days of the end of the fiscal year, an audited report of the expenditure of all funds received under this subsection. Moneys shall be awarded based upon grant applications. Any moneys remaining in any fiscal year due to insufficient or inadequate applications may be reallocated pursuant to **this** subdivision [(4) of this subsection]. [Moneys received from a region without a district which are allocable under this subsection shall be accumulated through September 30, 1993, and may be allocated to any district which forms within the region before July 1, 1996, and to cities and counties within the district to further the purposes of sections 260.300 to 260.345. Moneys collected in and accumulated

for a region without a district on June 30, 1996, shall be reallocated to existing districts after July 1, 1996, pursuant to this section;

(4) The] **(3) From August 28, 2004, to August 28, 2005, any** remaining moneys in the fund shall be used, upon appropriation, to provide grants [or loans] for **statewide solid waste management planning or research** projects to any district, county or city of the state or to any other person or entity involved in waste reduction or recycling **or for contracted services** to further the purposes of **section 260.225 and** sections 260.255 to 260.345]. **Solid waste management districts may apply annually to the department for a three-to-one matching grant of up to twenty thousand dollars per district per year to be used for the purpose of district operations]. After August 28, 2005, any remaining moneys in the fund shall be used, upon appropriation, to provide grants or loans for statewide solid waste management projects to any district, county or city of the state or to any other person or entity involved in waste reduction or recycling to further the purposes of sections 260.255 to 260.345. Solid waste management districts may apply annually to the department for a three-to-one matching grant of up to twenty thousand dollars per district per year to be used for the purpose of district operations;**

[(5)] **(4)** Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

[(6)] **(5)** The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. The advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties

located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. Beginning July 1, 2004, a joint committee appointed by the speaker of the house of representatives and the president pro tem of the senate shall consider proposals for fees, restructuring the distribution of the fees between solid waste districts, grant recipients, and the department. The committee shall consider options for the distribution of the tipping fee to the solid waste districts and any other matters it deems appropriate. The committee shall prepare and submit a report including its recommendation for changes to the governor, the house of representatives, and the senate no later than December 31, 2004.

5. The funds awarded to the districts, counties and cities pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

[5.] **6.** The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may

withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant. The department shall make available all of the unencumbered funds generated during prior fiscal years by the fees established under section 260.330 through grants or loans to solid waste management areas and processing facilities, municipalities, counties, districts, and other appropriate persons who demonstrate a need for assistance to comply with section 260.250. Such grants or loans shall be used for educational programs, transportation, low-interest or no-interest loans to purchase property for composting or other solid waste source reduction activities stated to facilitate compliance with section 260.250.

[6.] **7.** The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

8. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund.”; and

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

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1211**, entitled:

An Act to repeal sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 452.310, 452.420, 452.423, 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180, 513.430, 513.440, 526.010, 526.020,

527.290, 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210, 590.120, 595.045, 595.050, 610.100 and 630.130, RSMo, and to enact in lieu thereof fifty-five new sections relating to court procedures and court personnel, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1211, Section 3.130, Page 4, Line 59, by inserting after all of said line the following:

“56.750. The “Missouri Office of Prosecution Services” is hereby established as an autonomous entity in the Missouri attorney general’s office. It shall be the purpose of the Missouri office of prosecution services to assist the prosecuting attorneys throughout the state in their efforts against criminal activity in the state. Such assistance may include:

(1) The obtaining, preparing, supplementing, and disseminating of indexes to and digests of the decisions of the supreme court and the court of appeals of Missouri and other courts, and the statutes, and other legal authorities relating to criminal matters, and civil matters concerning the duties of prosecuting attorneys and circuit attorney;

(2) The preparation and distribution of model complaints, informations, indictments, instructions, search warrants, interrogation advices, and other common and appropriate documents employed in the administration of criminal justice;

(3) The preparation and distribution of a basic prosecutor’s manual and other educational materials;

(4) The promotion of and assistance in the training of prosecuting attorneys and circuit attorney on a statewide basis;

(5) The provision of legal research assistance to prosecuting attorneys and circuit attorney; [and]

(6) The development, support and maintenance of automated case management and criminal history reporting systems approved by the Prosecutors Coordinators Training Council as the standard utilized by

prosecuting attorneys and circuit attorney; and

[(6)] (7) The provision of other assistance to prosecuting attorneys and circuit attorney that is necessary for the successful implementation of sections 56.750 to 56.775 or that hereinafter may be authorized by law.”; and

Further amend said bill, section 476.820, page 20, line 6 by inserting after all of said line the following:

“3. In all cases not included in subsection 2 of this section, such fees and expenses may be taxed as costs by the court to the parties. Prior to any proceeding requiring an interpreter or translator, the court may order either party, or both, to deposit money with the court in an amount reasonably necessary to cover such fees and expenses. Upon disposition of the proceeding the court may order such costs paid from such deposit and shall return any portion of the deposit not used for such court costs to the parties.”; and

Further amend said bill, section 488.2275, page 26, line 21 by inserting after all of said line the following:

“490.525. 1. This section shall apply to civil actions filed in any court of this state.

2. Unless a controverting affidavit is filed as provided by this section, an affidavit that the amount a person charged for a service was reasonable at the time and place that the service was provided and that the service was necessary is sufficient evidence to support a finding of fact by judge or jury that the amount charged was reasonable or that the service was necessary.

3. The affidavit shall:

(1) Be taken before an officer with authority to administer oaths;

(2) Be made by the person **or that person’s designee** who provided the service;

(3) Include an itemized statement of the service and charge.

4. The party offering the affidavit in evidence or the party’s attorney shall file the affidavit with

the clerk of the court and serve a copy of the affidavit on each other party to the case at least thirty days before the day on which evidence is first presented at the trial of the case.

5. A party intending to controvert a claim reflected by the affidavit shall file a counteraffidavit with the clerk of the court and serve a copy of the counteraffidavit on each other party or the party’s attorney of record:

(1) Not later than:

(a) Thirty days after the day he receives a copy of the affidavit; and

(b) At least fourteen days before the day on which evidence is first presented at the trial of the case; or

(2) With leave of the court, at any time before the commencement of evidence at trial.

6. The counteraffidavit shall give reasonable notice of the basis on which the party filing it intends at trial to controvert the claim reflected by the initial affidavit and must be taken before a person authorized to administer oaths. The counteraffidavit shall be made by a person who is qualified, by knowledge, skill, experience, training, education or other expertise, to testify in contravention of all or part of any of the matters contained in the initial affidavit.

491.640. 1. The **Prosecutors Coordinators Training Council, as established in Section 56.760, RSMo.** [director of the department of public safety] may, upon the **council’s** [director’s] own initiative or at the request of the attorney general, any prosecuting attorney or law enforcement agency, provide for the security of witnesses, potential witnesses and their immediate families in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Providing for witnesses may include provision of housing facilities and for the health, safety and welfare of such witnesses and their immediate families, if testimony by such a witness might subject the witness or a member of his immediate family to danger of bodily injury, and may continue so long

as such danger exists.

2. The **Prosecutors Coordinators Training Council** [director of the department of public safety] may authorize the purchase, rental or modification of protected housing facilities for the purpose of this section. The **council** [director] may contract with any department of federal or state government to obtain or to provide the facilities or services to carry out this section.

3. The **Prosecutors Coordinators Training Council** [director of the department of public safety] may authorize expenditures to provide for the health, safety and welfare of witnesses and victims, and the families of such witnesses and victims, whenever, in his judgment, testimony from, or a willingness to testify by, such a witness or victim would place the life of such person, or a member of his family or household, in jeopardy. Applications by requesting law enforcement agencies under this section must include but not necessarily be limited to:

(1) Statement of conditions which qualify persons for protection;

(2) Precise methods the originating agency will use to provide protection, including relocation of persons and reciprocal agreements with other law enforcement agencies;

(3) Statement of projected costs over a specified period of time.

4. The **Prosecutors Coordinators Training Council** may delegate administration of the program set forth in this section to the **Executive Director of the Missouri Office of Prosecution Services. Subject to appropriations from the general assembly for the purposes provided for in this section, funds may be appropriated from the Missouri Office of Prosecution Services Fund set forth in Section 56.765.2, general revenue or federal funds.** Under no circumstance shall the expenditures from general revenue for the purposes provided for in this section exceed the amount of ninety-five thousand dollars, if and when appropriated by the general assembly for such purposes.”; and

Further amend said bill, section 494.430, page 27, line 10 by deleting the opening bracket “[” after the word “hardship” on said line; and

Further amend said bill, section 494.430, page 27, line 12 by deleting the closing bracket “]” after the word pharmacy on said line and inserting in lieu thereof the following:

“, **but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person’s service as a juror would be detrimental to the health of the person’s patients**”; and

Further amend said bill, section 590.120, pages 42 and 43, lines 1 through 39 by deleting all of said lines; and

Further amend said bill, section 630.130, page 51, line 30 by inserting after all of said line the following:

“632.498. Each person committed pursuant to sections 632.480 to 632.513 shall have a current examination of the person's mental condition made once every year by the director of the department of mental health or designee. The yearly report shall be provided to the court that committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an annual review of the status of the committed person. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from otherwise petitioning the court for discharge. The director of the department of mental health shall provide the committed person with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines [that probable cause exists to believe] **by a preponderance of the evidence** that the [person's mental abnormality has so changed that the person is safe to be at large and will not]

person no longer suffers from a mental abnormality that makes the person likely to engage in acts of sexual violence if discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding. The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by a psychiatrist or psychologist not employed by the department of mental health or the department of corrections. In addition, the person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense. The burden of proof at the [hearing] trial shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence.”; and

Further amend said bill, Section 2, Page 51, Lines 1 through 9 by deleting all of said lines; and

Further amend said bill, Section 452.420, Pages 51 and 52, Lines 1-5 on Page 51, and Line 6 on Page 52 by striking all of said section from the bill; and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1211, Page 4, Section 3.130, Line 59, by inserting after all of said line the following:

“57.260. It shall be the duty of the sheriff of Marion County to have at least one deputy[, residing in the city of Hannibal,] who shall attend district number 2 of the circuit court of Marion County at Hannibal; and if said sheriff shall neglect for one month to appoint a deputy [residing in the city of Hannibal,] as required by this section, he **or she** shall be liable to pay as a penalty therefor the sum of five hundred dollars for each month of such failure or neglect, and judgment may be entered for

said penalty on a citation to show cause, issued from said court and served on said sheriff in like manner as an order or summons, or may be recovered by an action for that purpose brought in the name of the county of Marion.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 1211, Page 25, Section 488.2275, Line 6, by inserting after the comma the following:

“and in any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants,”.

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 **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **HS** for **HCS** for **HB 978**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **HS** for **HCS** for **HB 978**.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 1509**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Shields offered **SS** for **HCS** for **HB 1509**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1509

An Act to repeal sections 376.1221 and 376.1230, RSMo, and to enact in lieu thereof three new sections relating to health insurance.

Senator Shields moved that **SS** for **HCS** for **HB 1509** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1509, Pages 1 and 2, Section 376.381, Line 5, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Shields, **HCS** for **HB 1509**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 959**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HB 959**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HB 1055**, as amended, and has taken up and passed **CCS** for **SS** for **HCS** for **HB 1055**.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HB 1487**, as amended, and has taken up and passed **CCS** for **HS** for **HB 1487**.

Emergency clause adopted.

President Pro Tem Kinder assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 978**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2
ON SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 978

The Conference Committee appointed on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, as amended;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 978;

3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel

/s/ Gary Nodler

FOR THE HOUSE:

/s/ Neal St. Onge

/s/ Brian Baker

/s/ Delbert Scott /s/ Richard Bray
 /s/ Maida J. Coleman /s/ Jim Seigfreid
 /s/ Harold Caskey /s/ Trent Skaggs

CONFERENCE COMMITTEE REPORT ON
 HOUSE SUBSTITUTE FOR
 HOUSE BILL NO. 1487

Senator Yeckel moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

The Conference Committee appointed on House Substitute for House Bill No. 1487, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

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

1. That the Senate recede from its position on House Substitute for House Bill No. 1487, as amended;

2. That the House recede from its position on House Substitute for House Bill No. 1487;

3. That the attached Conference Committee Substitute for House Substitute for House Bill No. 1487, be Third Read and Finally Passed.

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators—None

Senator Yeckel moved that **CCS No. 2** for **SS** for **HS** for **HCS** for **HB 978** be read the 3rd time and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Delbert Scott	/s/ Tom Self
/s/ Matt Bartle	/s/ Jack A. L. Goodman
/s/ Sarah Steelman	/s/ Todd Smith
/s/ Joan Bray	/s/ Cathy Jolly
/s/ Rita Heard Days	/s/ Rachel L. Bringer

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

REPORTS OF STANDING COMMITTEES

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

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

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 932**, begs leave to report that it has considered the same and recommends that the bill do pass.

YEAS—Senators

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

Yeckel—33

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HB 1487**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senators—None

President Maxwell assumed the Chair.

On motion of Senator Scott, **CCS** for **HS** for **HB 1487**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1487

An Act to repeal sections 556.037, 565.110, and 567.030, RSMo, and to enact in lieu thereof twelve new sections relating to crimes against persons, with penalty provisions and an emergency clause for certain sections.

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—33			

NAYS—Senators—None

Absent—Senator Yeckel—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	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 Scott, title to the bill was agreed to.

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

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

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon; and further that the Senate conferees be allowed to exceed the differences to address the issues of racial profiling and primary seatbelt enforcement, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Vogel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 1055**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1055

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1055, with Senate Amendment Nos. 1, 3, 4, 6, 7, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1055, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 1055;

3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 1055, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Carl M. Vogel	/s/ Mark Bruns
/s/ Matt Bartle	/s/ Bob Dixon
/s/ John Cauthorn	/s/ Robert Mayer
/s/ Harold Caskey	/s/ Cathy Jolly
Joan Bray	/s/ Terry L. Witte

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

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

NAYS—Senators—None

Absent—Senators

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

On motion of Senator Vogel, CCS for SS for HCS for HB 1055, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1055

An Act to repeal sections 43.540, 50.550, 537.046, 558.019, 559.021, 565.082, 565.083, 556.037, 566.083, 566.093, 566.140, 566.141, 573.037, 573.040, 589.400, 589.425, and 660.520, RSMo, and to enact in lieu thereof twenty new

sections relating to sexual offenses, with a penalty provision.

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

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

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator 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.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Yeckel moved that the vote by which the conference committee report on SS for HS for HCS for HB 978, as amended, 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
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

NAYS—Senators—None

Absent—Senator Kinder—1

Absent with leave—Senators—None

At the request of Senator Yeckel, the motion to adopt the conference committee report was withdrawn.

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

CONFERENCE COMMITTEE REPORTS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 795, 972, 1128 and 1161

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, with Senate Amendment Nos. 1, 2, 3, 4, 5, 7, Senate Substitute Amendment No. 2 for Senate Amendment No. 8, Senate Amendment Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, Senate Amendment No. 1 to Senate Amendment No. 25, Senate Amendment No. 25 as amended, and Senate Amendment Nos. 26, 27, 28, 30, and 31, 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 Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Doyle Childers

/s/ Robert Johnson

/s/ John E. Griesheimer

/s/ Randy Angst

/s/ Matt Bartle

/s/ Jason Brown

/s/ Jim Mathewson

/s/ Jim Whorton

Harold Caskey

/s/ Rachel L. Bringer

Senator Childers moved that the above conference committee report be adopted.

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

Senator Yeckel moved that the Senate request the House grant further conference on **SS** for **HS** for **HCS** for **HB 978**, as amended, which motion prevailed.

Senator Vogel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 1394**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1394

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Bill No. 1394, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 1394, as amended;

2. That the Senate recede from its position on Senate Bill No. 1394;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 1394, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Carl M. Vogel	/s/ Shannon Cooper
/s/ Matt Bartle	/s/ Allen Icet
/s/ John E. Griesheimer	/s/ Mike Sutherland
/s/ Victor E. Callahan	/s/ John Burnett
/s/ Stephen Stoll	/s/ Terry Young

Senator Vogel moved that the above conference committee report be adopted.

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

Senator Childers moved that the conference committee report on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161** be again taken up, which motion prevailed.

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

YEAS—Senators

Bartle	Bland	Bray	Callahan
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—Senator Caskey—1

Absent—Senator Dolan—1

Absent with leave—Senators—None

On motion of Senator Childers, **CCS** for **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 795, 972, 1128 and 1161

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 64.930, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1360, 67.1401, 67.1706, 67.1754, 89.410, 137.100, 137.298, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429, 493.050, and 644.032, RSMo, and to enact in lieu thereof sixty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

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

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

The President declared the bill passed.

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 Childers, title to the bill was agreed to.

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

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1265**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1265, section 590.653, page 1, line 13, by striking the phrase “**a crime**” on said line and inserting immediately thereafter the following:

“**any felony, class A or B misdemeanor, or any crime involving the assault of a law enforcement officer, resisting arrest, or fleeing**”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

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

House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1288**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1288**.

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 **HCS** for **HB 1617**, as amended, and has taken up and passed **CCS** for **HCS** for **HB 1617**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 37**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 34**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 32**.

HOUSE COMMITTEE SUBSTITUTE

FOR SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, the teaching of universal themes such as honesty and integrity benefits the community as a whole by accomplishing change in ways that strengthen, support, and reflect the local community's values; and

WHEREAS, having good character demonstrates understanding, caring, and acting upon core ethical values such as honesty, respect and responsibility and is an essential attribute of a successful individual; and

WHEREAS, schools that reach out to families and include them in character-building efforts greatly enhance their chances for success with students; and

WHEREAS, traits such as kindness and caring, respect and responsibility, fairness and honesty are critical to the overall health and safety of a school; and

WHEREAS, a school must be a caring community which motivates and challenges students to have good moral character and requires moral leadership from both staff and students; and

WHEREAS, polls have shown that 90% of those surveyed support the teaching of values, like responsibility, respect, courage, and caring in schools; and

WHEREAS, in 1988, CHARACTER*plus*, a statewide collaborative effort that reaches more than 600 schools, 25,000 teachers, and 300,000 students, and based on a grass-roots community project in the St. Louis region, was established in Missouri by parents, educators, and business leaders and is now our nation's largest community-wide response to the challenges of character education; and

WHEREAS, in accordance with the Missouri School Improvement Program (MSIP) Standard 6.5, a comprehensive intentional character education process helps schools create a positive climate for learning and promotes teacher and administrative responsibility; and

WHEREAS, in accordance with the MSIP Standard 6.6, a comprehensive intentional character education process provides the strategy to promote and maintain orderliness in schools and creates a safe environment; and

WHEREAS, in accordance with MSIP Standard 6.6, the CHARACTER*plus* process provides an assessment tool that gathers data, provides comprehensive and comparative data reports, and furnishes consultation for analyzing and setting up a yearly plan to modify and improve programs and strategies; and

WHEREAS, in accordance with MSIP Standard 6.7, the CHARACTER*plus* process provides professional development for school character education teams and for the entire school staff as an integral part of the character education process; and

WHEREAS, the principles taught by the CHARACTER*plus* process are consistent with "Goal 4" of the Show-Me Standards, as approved by the Missouri State Board of Education on January 18, 1996, which states, "Students in Missouri public schools will acquire the knowledge and skills to make decisions and act as responsible members of society"; and

WHEREAS, at least fourteen states have passed legislation requiring character education be taught in schools, while an additional fourteen states encourage the teaching of character education; and

WHEREAS, character education initiatives in Missouri have received support from the U.S. Department of Education in the form of federal grants to our schools to support local character education efforts as has the State of Missouri:

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 challenge each school district in our state to develop a character education process that involves school, home, and community, and if it already has such a process in place, reevaluate such process in order to make certain the resources that best benefit the students of this state are being utilized; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of the Department of

Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Commissioner of the Department of Elementary and Secondary Education be instructed to copy this resolution and distribute one to each school district for distribution to its school board members.

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 **HS** for **HCR 41**.

HOUSE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 41

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization (WHO); and

WHEREAS, Taiwan's achievements in the field of health are substantial, including:

(1) Attaining one of the highest life expectancy levels in Asia, and maternal and infant mortality rates comparable to those of western countries; and

(2) Eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(3) Providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

WHEREAS, on January 14, 2001, an earthquake, registering between 7.6 and 7.9 of the Richter scale, struck El Salvador. In response, the Taiwanese Government sent two rescue teams, consisting of ninety individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, in light of all benefits that Taiwan's participation in WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO; and

WHEREAS, in 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan; and

WHEREAS, avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos; and

WHEREAS, the SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO; and

WHEREAS, as the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby support observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May 2004 in Geneva, Switzerland; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President George W. Bush, Secretary of State Colin Powell, Secretary of Health and Human Services Tommy Thompson, and the Taipei Economic and Cultural Office in Kansas City, Missouri.

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 **SCR 30**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS for SCR 47**.

With House Committee Amendment 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 47, Page 1291 of the House Journal, Line 18, Page 1, by inserting immediately before the word "waterways" the following: "**, motor carrier,**".

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 House has taken up and passed **HCS for SCS for SB 972**, entitled:

An Act to amend chapter 650, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 972, Page 5, Section 650.615, Line 9 of said page, by inserting after the word "**safety**" the following: "**from the fund created pursuant to section 650.620**"; and

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

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SCR 32**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for SCR 32 was taken up.

Senator Gibbons moved that **HCS for SCR 32**, 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	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dolan	Kennedy—2
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Absent with leave—Senators—None

On motion of Senator Gibbons, **SCR 32**, as amended by the **HCS**, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dolan	Kennedy—2
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Absent with leave—Senators—None

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968
AND
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969**

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, with House Amendments Nos. 1, 2, and 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Charlie Shields
- /s/ Bill Foster
- /s/ Matt Bartle
- /s/ Harold Caskey
- /s/ Stephen Stoll

FOR THE HOUSE:

- Jane Cunningham
- /s/ Brian Baker
- /s/ Maynard Wallace
- /s/ D. J. Davis
- /s/ Ed Wildberger

Senator Shields 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	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dolan Quick—2

Absent with leave—Senators—None

On motion of Senator Shields, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968
AND
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969

An Act to repeal sections 105.454, 160.254, 160.261, 160.570, 162.261, 163.031, 163.036, 165.301, 167.020, 167.031, 167.051, 167.171, 168.104, 168.124, 168.126, 168.211, 168.500, 168.515, 172.360, 209.321, 210.145, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty-two new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

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
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Dolan Klindt Quick—3

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	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dolan Quick—2

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.

HOUSE BILLS ON THIRD READING

HCS for **HB 1277**, with **SCS**, entitled:

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

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

SCS for **HCS** for **HB 1277**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1277

An Act to repeal sections 260.335, 260.342, 260.370, 260.375, 260.380, 260.475, 260.479, 444.762, 444.765, 444.767, 444.770, 444.787, and 621.015, RSMo, and to enact in lieu thereof fourteen new sections relating to environmental

regulation, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HCS** for **HB 1277** be adopted.

Senator Steelman offered **SS** for **SCS** for **HCS** for **HB 1277**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1277

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.335, 260.342, 260.370, 260.375, 260.380, 260.475, 260.479, 444.762, 444.765, 444.767, 444.770, 444.787, and 621.015, RSMo, and to enact in lieu thereof twenty-three new sections relating to environmental regulation, with a penalty clause and an emergency clause.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 1277**, 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. 1277, Page 75, Section 621.250, Line 7, of said page by striking the word “fifteen” and inserting in lieu thereof the following: “**sixty**”; and further amend line 18 of said page by inserting a beginning bracket “[” immediately after the word “commission”; and further amend line 22 of said page by inserting an ending bracket “]” immediately after the word “commission”; and further amend lines 22-23 of said page by striking the words “and legal basis”; and

Further amend said section, page 76, line 2 of said page, by striking “department of natural resources” and inserting in lieu thereof the following: “**commission**”; and further amend line 4 of said page by inserting immediately after “6.” the following: **Except as otherwise provided by law**”; and further amend line 6 of said page by

inserting immediately after the word “resources” the following: “**or the commission**”.

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

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 57, Section 260.479, Line 8, by inserting immediately after said line the following:

“260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

YES NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body

of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants,** if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for

use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body.** Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 1, Section 260.200 of said page, by striking all of said section from the bill; and

Further amend said bill, page 10, section 260.270, by striking all of said section from the

bill; and

Further amend said bill, page 17, section 260.272, by striking all of said section from the bill; and

Further amend said bill, page 17, section 260.273, by striking all of said section from the bill; and

Further amend said bill, page 21, section 260.274, by striking all of said section from the bill; and

Further amend said bill, page 23, section 260.275, by striking all of said section from the bill; and

Further amend said bill, page 25, section 260.276, by striking all of said section from the bill; and

Further amend said bill, page 26, section 260.278, by striking all of said section from the bill; and

Further amend said bill, page 27, section 260.279, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 64, Section 444.770, Line 6-29, of said page, by striking all of said lines; and

Further amend said bill and section, Page 65 of said page, Lines 1 to 29, by striking all of said lines; and

Further amend said bill and section, Page 66, Lines 1 to 17 of said page, by striking all of said lines and inserting in lieu thereof the following:

“444.770. 1. **Except as provided in this section**, it shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any **sand and gravel** mining operation where the annual tonnage of **sand and gravel** mined by such operator is less than five thousand tons. **The commission shall establish excavation standards for operators of in-stream sand and gravel mines that are exempt from permitting requirements pursuant to this section. Such excavation standards shall not be more stringent than standards required of operators required to obtain permits. If an operator of an in-stream sand and gravel mine that is exempt from permitting requirements pursuant to this section violates such excavation standards and causes a negative impact on a stream, such operator shall take corrective actions as directed by the commission and the commission shall require such operator to apply for a permit to continue operating at the site of such violations.**

2. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

3. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790, except that such operations shall be registered with the land reclamation commission.

4. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245, RSMo, and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such

operations shall be promptly released by the commission, and the associated permits canceled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205, RSMo, and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, RSMo, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260, RSMo.

5. [Notwithstanding the provisions of subsection 1 of this section,] Any political subdivision which uses its own personnel and equipment **or contracts for excavation to obtain sand and gravel material solely for the use of such political subdivision** or any private individual for personal use may conduct in-stream sand and gravel operations without obtaining from the commission a permit to conduct such an activity. **Any private landowner may contract for in-stream sand and gravel operations and may either personally or through their contractor sell up to a total of two thousand tons of sand and gravel material annually without obtaining a permit from the commission. Any contractor conducting in-stream sand and gravel operations on the behalf of one or more landowner or political subdivision shall not remove more than a total of two thousand tons of sand and gravel material per year from all sources without obtaining a permit from the commission. Any political subdivision or their contractor conducting in-stream sand and gravel operations pursuant to this subsection shall comply with excavation standards and notify the commission of the stream location, dates of operation at the specific location and**

the name of operator prior to commencing such operations and in a manner as determined by the commission with the preceding information. Such information gathered by the commission shall be used for informational purposes only.

6. The commission shall provide information and educational opportunities to inform the public about permit requirements and best mining practices.”; and

Further amend said section, by renumbering the remaining subsections accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Jacob offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 4, Line 2 of said amendment, by inserting after said line the following: **“Any contractor, person or entity conducting in-stream sand and gravel operations on behalf of a landowner shall, prior to commencing operations, register the site of such operation with the commission and shall acknowledge in writing on a standard form provided by the commission that the operator has obtained and understands the excavation standards established pursuant to subsection 1 of this section. The commission shall provide copies of the excavation standards and registration and acknowledgement forms free of charge.”**

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Clemens and Russell.

SA 1 to SA 4 failed of adoption by the following vote:

YEAS—Senators
 Bland Bray Coleman Days

Dougherty Jacob—6

NAYS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

Absent—Senators

Dolan Quick—2

Absent with leave—Senators—None

SA 4 was again taken up.

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

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 12, Section 260.270, Line 28, of said page, by striking the opening bracket “[” as it appears the second time on said line; and

Further amend said bill and section, page 13, line 3 of said page, by striking the closing bracket “]”; and

Further amend said bill and section, page 14, lines 23-24 of said page, by striking the following: “, scrap tire end-user facilities,”; and

Further amend said bill and section, page 15, line 13, of said page, by inserting immediately after the word “sites” the following: “, **processing facilities**”; and

Further amend said bill, section 260.273, page 19, line 15, of said page, by striking the words “shall be”; and further amend line 17, by striking the word “and”; and

Further amend said bill and section, page 20, line 11, of said page, by striking “5” and inserting in lieu thereof the following: “**6**”; and

Further amend said bill and section, page 21, line 13, of said page, by striking the word “January” and inserting in lieu thereof the following: “**July**”; and

Further amend said bill, section 260.275, page 24, line 12, of said page, by striking the opening bracket “[”, the closing bracket “]”, and the word “scrap”; and further amend line 14 of said page, by striking the opening bracket “[”, the closing bracket “]”, and the word “scrap”.

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

Senator Klindt offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 19, Section 260.273, Line 9 of said page, by striking the word “eighteen” and inserting in lieu thereof the following: “**nineteen**”.

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

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 1277**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HCS** for **HB 1277**, 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
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators

Griesheimer Jacob Scott—3

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
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators

Griesheimer	Jacob	Scott—3
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Absent—Senators—None

Absent with leave—Senators—None

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.

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 1391**, entitled:

An Act to amend chapter 94, RSMo, by adding thereto two new sections relating to local taxes.

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

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391,

Page 9, Section 94.838, Line 23, by inserting after all of said line the following:

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

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

“Shall (insert name of ambulance or fire protection district) impose a sales tax of (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the (insert name of ambulance or fire protection district) and the total property tax levy

on properties in the (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

Yes No

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

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

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

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax

Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

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

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

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

HOUSE AMENDMENT NO. 2

Amend House Substitute for House

Committee Substitute for Senate Bill No. 1391, Section A, Page 1, Line 2, by inserting the following after all of said line:

“94.070. In addition to the levy aforesaid for general municipal purposes, all cities of the third class are hereby authorized to levy annually not to exceed the following rates of taxation on all property subject to its taxing power for the following special purposes:

(1) For library purposes in the manner and at the rate authorized under the provisions of sections 182.140 to 182.301, RSMo;

(2) For hospitals, public health, and museum purposes [twenty] **thirty** cents on the one hundred dollars assessed valuation; and

(3) For recreational grounds in the manner and at the rate authorized under the provisions of sections 90.500 to 90.570, RSMo.”; and

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

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Page 1, Section A, Line 8, by inserting immediately after said line the following:

“94.834. 1. The governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, **the governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants**, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose 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, which shall be not more than five percent per occupied room per night, except that such tax 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 pursuant to 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 the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax 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 for the sole 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 following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. 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 bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Section A, Page 1, Line 8 of said page, by inserting after all of said line the following:

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

(1) **“Food”, all products commonly used for food or drink, including alcoholic beverages;**

(2) **“Food establishment”, any cafe, cafeteria, lunchroom, or restaurant which sells food at retail;**

(3) **“Gross receipts”, the gross receipts from retail sales of food prepared on the premises and delivered to the purchaser (excluding sales tax);**

(4) **“Person”, any individual, corporation, partnership, or other entity;**

(5) **“Tourism-related activities”, those activities commonly associated with the development, promotion, and operation of tourism and related facilities for the city, including historic preservation and neighborhood revitalization.**

2. The city council of any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants or any home rule city with more than four hundred thousand inhabitants and located in more than one county may impose a tax on the gross receipts derived from all retail sales of food by every person operating a food establishment situated in the city or a portion thereof. The tax authorized in this section may be imposed in increments of one-eighth of one percent, up to a maximum of two percent of such gross receipts. Such tax shall be in addition to all other sales taxes imposed on such food establishments, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the city council, by order or ordinance, submits to the voters of the city a proposal to authorize the city council to impose a tax under this section on any day available for such city to

hold municipal elections or at a special election called for the purpose.

3. 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 gross receipts derived from the retail sales of food at any food establishment situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of providing funds for the development, promotion, and operation of museum and tourism-related activities and facilities, with (insert rate of percent) percent of such tax dedicated to museum purposes?

[] YES [] NO

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

4. The tax imposed under this section shall be known as the “Museum and Tourism-Related Activities Tax”. Each city imposing a tax under this section shall establish separate trust funds to be known as the “Museum Trust Fund” and the “Tourism-Related Trust Fund”. The city treasurer shall deposit the revenue derived from the tax imposed under this section for museum purposes in the museum trust fund, and shall deposit the revenue derived for tourism-related purposes in the tourism-related trust fund. The proceeds of such tax shall be appropriated by the city council exclusively for the development, promotion, and operation of

museum and tourism-related activities and facilities in the city.

5. All applicable provisions in chapter 144, RSMo, relating to state sales tax, and in section 32.057, RSMo, relating to confidentiality, shall apply to the collection of any tax imposed under this section.

6. All exemptions for government agencies, organizations, individuals, and on the sale of certain tangible personal property and taxable services granted under sections 144.010 to 144.525, RSMo, shall be applicable to the imposition and collection of any tax imposed under this section.

7. The same sales tax permits, exemption certificates, and retail certificates required for the administration and collection of state sales tax in chapter 144, RSMo, shall be deemed adequate for the administration and collection of any tax imposed under this section, and no additional permit, exemption certificate, or retail certificate shall be required, provided that the director of the department of revenue may prescribe a form of exemption certificate for an exemption from any tax imposed under this section.

8. Any individual, firm, or corporation subject to any tax imposed under this section shall collect the tax from the patrons of the food establishment, and each such patron of the food establishment shall pay the amount of the tax due to the individual, firm, or corporation required to collect the tax. The city shall permit the individual required to remit the tax to deduct and retain an amount equal to two percent of the taxes collected. The city council may either require the license collector of the city to collect the tax, or may enter into an agreement with the director of the department of revenue to have the director collect the tax on behalf of the city. In the event such an agreement is entered into, the director shall perform all functions incident to the collection, enforcement, and operation of such tax, and shall collect the tax on behalf of the city and

shall transfer the funds collected to the city license collector, except for an amount not less than one percent nor more than three percent, which shall be retained by the director for the costs of collecting the tax. If the director is to collect such tax, the tax shall be collected and reported upon such forms and under such administrative rules and regulations as the director may prescribe. All refunds and penalties as provided in sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section.

9. It is unlawful for any person to advertise or hold out or state to the public or to any food establishment patron, directly or indirectly, that the tax or any part thereof imposed by this section, and required to be collected by that person, will be absorbed by that person, or anyone on behalf of that person, or that it will not be separately stated and added to the price of the food establishment bill, or if added, that it or any part thereof will be refunded.”, and

Further amend said bill, section 94.838, page 9, line 23 of said page, by inserting after all of said line the following:

“144.518. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, **section 82.850, RSMo**, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, and sections 144.600 to 144.761, sections 190.335 to

190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, **section 82.850, RSMo**, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of commercial, coin-operated amusement and vending machines.”, 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. 1391, section 94.838, Page 9, Line 23 by inserting after all of said line the following:

“Section 1. 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 a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and

breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the county at a state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.”, and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 855** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 855**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **SS** for **HS** for **HCS** for **HB 978**, as amended, and the conferees have been reappointed Representatives Baker, Byrd, St. Onge, Seigfreid and Skaggs.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS**

for **HB 978**, as amended: Senators Yeckel, Nodler, Scott, Coleman and Caskey.

CONFERENCE COMMITTEE REPORTS

Senator Vogel moved that the conference committee report on **HS** for **HCS** for **SB 1394**, as amended, be again taken up, which motion prevailed.

Senator Vogel 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	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 Vogel, **CCS** for **HS** for **HCS** for **SB 1394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1394

An Act to repeal sections 32.087, 64.930, 94.270, 100.710, 135.750, 137.101, 137.115, 137.298, 137.505, 143.081, 143.121, 143.241, 143.431, 143.782, 144.025, 144.083, 144.157, and 301.025, 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-two new sections relating to taxation, with an effective date for certain sections.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 959**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 959

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 959, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences,

have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 959, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 959;

3. That the attached Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 959, be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Anita Yeckel
- /s/ Charles R. Gross
- /s/ Jon Dolan
- /s/ Jim Mathewson
- /s/ Harold Caskey

FOR THE HOUSE:

- /s/ Blaine Luetkemeyer
- /s/ Sherman Parker
- /s/ Ronald Richard
- /s/ Michael Vogt
- /s/ Michael Spreng

Senator Yeckel moved that the above conference committee report no. 2 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	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Yeckel, **CCS No. 2** for **SCS** for **HCS** for **HB 959**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO.

2

FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 959

An Act to repeal sections 33.103, 166.415,

166.435, 408.032, 408.140, 408.190, 408.232, 443.130, 506.290, 513.430, 513.440, and 541.033, RSMo, and sections 570.223 and 570.224 as truly agreed to and finally passed by the second regular session of the ninety-second general assembly in senate committee substitute for house bill no. 916, and to enact in lieu thereof thirty-four new sections relating to banking, with penalty provisions.

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.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SS** for **SCR 47**, with **HCA 1**, be taken up for adoption, which motion prevailed.

HCA 1 was taken up.

Senator Griesheimer moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
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

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended: Senators Dolan, Bland, Days, Nodler and Griesheimer.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SCS** for **SB 1040**, with **HCA 1, HA 1 and HA 2** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

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

NAYS—Senator Caskey—1

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Griesheimer, **SS** for **SCR 47**, as amended by **HCA 1**, 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

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 recede from its position on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, and grants the Senate a conference thereon and further that the House Conferees are allowed to exceed the differences to address the issues of racial profiling.

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

HA 1 was taken up.

Senator Griesheimer moved that above amendment 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	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent—Senator Dolan—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

HA 2 was taken up.

Senator Griesheimer moved that above amendment 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	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senators—None

On motion of Senator Griesheimer, **SCS** for **SB 1040**, 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	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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—None

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.

Senator Wheeler moved that **SB 1211**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1211**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1211

An Act to repeal sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 452.310, 452.420, 452.423, 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180, 513.430, 513.440, 526.010, 526.020, 527.290, 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210,

590.120, 595.045, 595.050, 610.100 and 630.130, RSMo, and to enact in lieu thereof fifty-five new sections relating to court procedures and court personnel, with penalty provisions.

Was taken up.

Senator Wheeler moved that **HCS** for **SB 1211**, as amended, 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	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Wheeler, **HCS** for **SB 1211**, 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 Wheeler, title to the bill was agreed to.

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

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

Bill ordered enrolled.

Senator Shields moved that **SS** for **SS** for **SCS** for **SB 1122**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

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.

Was taken up.

Senator Shields moved that **HS** for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senator Bartle—1

Absent—Senator Jacob—1

Absent with leave—Senators—None

On motion of Senator Shields, **HS** for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, 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	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senator Bartle—1

Absent—Senators

Dolan Jacob—2

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.

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 Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended. Representatives: Crawford, Schlottach, Smith (14), Bland and Boykins.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 12, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you for your advice and consent:

William J. Longmore, Ph.D., 517 Beaucaire Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

John Thornton Park, Ph.D., 650 Holmes Lane, Rolla, Phelps County, Missouri 65401, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

John M. Houghton, Ph.D., #1 Duddin Court, Manchester, St. Louis County, Missouri 63021, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Robert Allan Morantz, M.D., 17100 Highland Ridge Drive, Belton, Cass County, Missouri 64012, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Gretchen Myers, term expired.

Sherri Talbott, 6113 Queens Court, House Springs, Jefferson County, Missouri 63051, as a member of the Public School Retirement System of Missouri, Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Lynn Harmon, term expired.

Diane Janice Seif, 4341 NE Maplegate Drive, Lee's Summit,

Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Joan Kelly Horn, 2017 S. Grand Blvd. #104, St. Louis City, Missouri 63104, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Thomas L. Slaughter, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1118**, with **SCS**, was placed on the Informal Calendar.

HB 1504 was placed on the Informal Calendar.

HB 1109 was placed on the Informal Calendar.

HCS for **HB 1152** was placed on the Informal Calendar.

HB 1160, with **SCS**, was placed on the Informal Calendar.

HB 844 was placed on the Informal Calendar.

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 1982, regarding Barbara A. Twyman, Kansas City, which was adopted.

Senator Russell offered Senate Resolution No. 1983, regarding Sherry Ryals Huffman, which was adopted.

Senator Gibbons offered Senate Resolution No. 1984, regarding Andrew T. Willey, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, the Physician of the Day, Matthew Tiefenbrunn, M.D., Sullivan.

On motion of Senator Gibbons, the Senate adjourned until 8:30 a.m., Friday, May 14, 2004.

Journal

SENATE CALENDAR

SEVENTY-SECOND DAY—FRIDAY, MAY 14, 2004

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

HB 932-Bivins and Villa (Yeckel)

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

HB 844-Mayer, et al (Loudon)

HS for HCS for HB 852-Holand, with SCS
(pending) (Champion)

HCS for HB 898, with SCS (Shields)

HCS for HB 955 (Yeckel)

HB 956-May (149) (Steelman)

HB 969-Cooper, et al (Bartle)
(In Fiscal Oversight)

HCS for HBs 1098 & 949 (Childers)

HB 1109-Crawford, et al (Cauthorn)

HCS for HB 1118, with SCS (Dolan)

HS for HCS for HB 1150-May, with SCS &
SS for SCS (pending) (Scott)

HCS for HB 1152 (Nodler)
 HB 1160-Parker, et al, with SCS (Steelman)
 HS for HCS for HB 1195-Behnen,
 with SCS (Yeckel)
 HCS for HB 1209 (Kinder)
 HCS for HB 1278, with SCS, SS for SCS &
 SA 2 (pending) (Loudon)
 HCS for HBs 1286 & 1175, with SCS
 (Griesheimer)
 HS for HB 1339-Cunningham (86) (Loudon)
 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)
 HB 1504-Lipke and Crowell (Dolan)
 HCS for HB 1509, with SS & SA 1 (pending)
 (Shields)
 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 HJR 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

Unofficial
 Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

Journal

House Bills

Reported 4/14

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

HB 884-Ward (Loudon)

Copy

Reported 4/15

HCS for HB 912 (Goode)
 HB 1149-May, et al (Steelman)
 HB 1442-Lipke, et al (Kinder)
 HCS for HB 1179 (Days)
 HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)
 HB 1427-Portwood (Wheeler)
 HB 994-Cunningham (145), et al (Scott)
 HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 972-Stoll, with HCS,
as amended
SCS for SB 1196-Klindt, with HS

SCS for SB 1265-Bartle, with HA 1
SCS for SB 1269-Yeckel, with HS for HCS,
as amended
SB 1391-Foster, with HS for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended
SCS for SB 758-Griesheimer, with HCS
(Senate adopted CCR and passed CCS)
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
(Senate adopted CCR and passed CCS)
SCS for SBs 1020, 889 & 869-Steelman,
et al, with HS for HCS, as amended
(Senate adopted CCR and passed CCS)
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)

SS for SCS for SBs 1233, 840 & 1043-
Dolan, with HS, as amended
SB 1394-Vogel, with HS for HCS, as
amended (Senate adopted CCR and passed CCS)
HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel) (Further conference granted)
HCS for HB 1182, with SS for SCS, as
amended (Klindt)
HCS for HB 1288, with SS for SCS, as
amended (Griesheimer) (House adopted
CCR and passed CCS)
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)
HB 1548-Crawford, with SCS, as amended
(Cauthorn)
HCS for HB 1617, with SSA 1 for SA 1
(Bartle) (House adopted CCR and passed CCS)

RESOLUTIONS

HS for HCR 41-Phillips (32) (Shields)

Reported from Committee

SCR 46-Gross

SR 1877-Dougherty