

# Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY—THURSDAY, MAY 6, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Bless the Lord, O my soul, and all that is within me, bless his holy name.” (Psalm 103:1)

Gracious Lord, thank You for the courage to be first of all Your servant, then servant to the people of Missouri. Help us to focus on You this day. And we pray for Governor Holden at the death of his mother, that You may comfort him and his family with Your peace and mercy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

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

Absent with leave—Senators—None

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of the late Wanda Mae Holden.

## RESOLUTIONS

Senator Gross offered Senate Resolution No. 1896, regarding Justin Collier, which was adopted.

Senator Loudon offered Senate Resolution No. 1897, regarding Erik Shelquist, which was adopted.

Senator Vogel offered Senate Resolution No. 1898, regarding Linda L. Jensen-Rapps, Holts Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 1899, regarding Patricia Lee Stroud Gifford, Jefferson City, which was adopted.

Senator Klindt offered Senate Resolution No. 1900, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Walker, Skidmore, which

was adopted.

Senator Klindt offered Senate Resolution No. 1901, regarding Jacob Michael Weaver, Princeton, which was adopted.

President Pro Tem Kinder assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HJRs 39, 38, 42** and **47** begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HB 1195**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 955**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1665**,

begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 841**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1277**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HBs 1286** and **1175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 956**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 1098** and **949**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 1599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HB 1150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HCS** for **HB 1433**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields assumed the Chair.

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:

Kenneth D. Minton, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Paul Thomas Mechsner, as a member of the Missouri State Board of Accountancy;

Also,

Roger Obermeier, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Annie R. Dixon, as a member of the State Board of Barber Examiners;

Also,

James D. Hill, as a member of the Missouri Development Finance Board;

Also,

Judith M. Landvatter, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Donna Ostercamp, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

David P. Ballenger, as public member of the Peace Officer Standards and Training Commission;

Also,

Robert Estes, as a member of the State Committee of Marital and Family Therapists;

Also,

Jennifer Hill Nixon, as a member of the Central Missouri State University Board of Governors;

Also,

Walter Foster, Jr., as a member of the Corrections Officer Certification Commission;

Also,

Robert G. Hughs, as student representative of the Missouri Western State College Board of Regents;

Also,

Amanda Beth Skaggs, as a member of the Missouri State Board of Nursing;

Also,

Charles "Denny" Fitterling, as a member of the Board of Therapeutic Massage;

Also,

Robert L. Simpson and Michael E. Dunard, as members of the Missouri Ethics Commission;

Also,

Michael Foresman, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Willie J. Ellis, Jr., Kenneth C. Hensley, as members and Muriel A. Brison, as public member of the Public Defender Commission;

Also,

H. Bruce Nethington and Catherine Loraine Davis, as members of the Missouri Health Facilities Review Committee;

Also,

Lori J. Smith Patterson and Karen Jeanne Jones, as members of the Missouri Women's Council;

Also,

Floyd O. Bartch, as a member of the Missouri Gaming Commission;

Also,

Stephen M. Mahfood, as a member of the Second State Capitol Commission;

Also,

William H. Worley, D.V.M., as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Cleatus S. Stanfill, as a member of the Mississippi River Parkway Commission;

Also,

Fernando A. McGregor, as a member of the Missouri Board for Respiratory Care;

Also,

Carolyn V. Atkins, Ph.D., and Laurie Barrow, as members of the Child Abuse and Neglect Review Board;

Also,

Joyce Murphy, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Donald E. Thompson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Peter T. Ewell, Ph.D., as an out of state member of the Truman State University Board of Governors;

Also,

Jack D. Atterberry, as a member of the Workers' Compensation Determinations Review Board;

Also,

Hugh C. Jenkins, as a member of the Land Reclamation Commission.

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.

President Maxwell assumed the Chair.

#### 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 **HCS** for **SS** for **SCS** for **SB 1099**, as amended. Representatives: Dempsey, Cooper (120), Pearce, Curls and Hoskins.

**PRIVILEGED MOTIONS**

Senator Nodler moved that **SB 769**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 769**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 769**

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

Was taken up.

Senator Nodler moved that **HCS for SB 769** be adopted, which motion prevailed by the following vote:

**YEAS—Senators**

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

**NAYS—Senators—None**

**Absent—Senators**

Coleman	Dolan	Mathewson	Quick
Russell—5			

Absent with leave—Senators—None

On motion of Senator Nodler, **HCS for SB 769** was read the 3rd time and passed by the following vote:

**YEAS—Senators**

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

NAYS—Senators—None

Absent—Senators

Coleman	Dolan—2
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

**YEAS—Senators**

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

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

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

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

Bill ordered enrolled.

Senator Nodler moved that **SCS for SBs 942, 850 and 841**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SCS for SBs 942, 850 and 841**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 942, 850 and 841**

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

clause for certain sections.

Was taken up.

Senator Nodler moved that **HCS** for **SCS** for **SBs 942, 850 and 841** 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 Nodler, **HCS** for **SCS** for **SBs 942, 850 and 841** 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.

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 Nodler, title to the bill was agreed to.

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

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

Bill ordered enrolled.

Senator Gibbons moved that **SCS** for **SB 945, SB 803 and SB 1257**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 945, SB 803 and SB 1257**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 945  
 SENATE BILL NO. 803 AND  
 SENATE BILL NO. 1257

An Act to repeal sections 160.261, 210.145, and 211.031, RSMo, and to enact in lieu thereof four new sections relating to school-age children, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Gibbons moved that **HCS** for **SCS** for **SB 945, SB 803 and SB 1257** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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—32

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Childers—1

Absent with leave—Senators—None

NAYS—Senators—None

Absent—Senators

Bartle Bland—2

Absent with leave—Senators—None

On motion of Senator Gibbons, **HCS for SCS for SB 945, SB 803 and SB 1257** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Childers—1

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

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

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

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

Bill ordered enrolled.

Senator Shields moved that the Senate refuse to concur in **HCS for SCS for SB 1106** 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 on the bill, which motion prevailed.

**HOUSE BILLS ON THIRD READING**

**HS for HCS for HBs 1268 and 1211, with SCS**, entitled:

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.290, 288.310, and 288.330, RSMo, and to enact in lieu thereof nineteen new sections relating to employees, with penalty provisions and an emergency clause.

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

**SCS for HS for HCS for HBs 1268 and 1211**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1268 and 1211**

An Act to repeal sections 285.300, 288.030,

288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.290, 288.310, and 288.330, RSMo, and to enact in lieu thereof nineteen new sections relating to employees, with penalty provisions and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1268 AND 1211

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof fourteen new sections relating to employees, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Foster offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS NOS. 1268 and 1211

An Act to repeal sections 285.300, 286.001, 286.005, 286.110, 288.030, 288.032, 288.034, 288.036, 288.038, 288.040, 288.050, 288.060, 288.090, 288.100, 288.110, 288.121, 288.122, 288.190, 288.240, 288.245, 288.290, and 288.380, RSMo, and to enact in lieu thereof twenty-five new sections relating to employment, with penalty provisions.

Senator Foster moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be

adopted.

At the request of Senator Loudon, **HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 959**, as amended. Representatives: Luetkemeyer, Parker, Richard, Vogt and Spreng.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SSA 1** for **SA 1** to **HCS** for **HB 1617** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1074** and **1129** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 932**, entitled:

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.128, 287.140, 287.190, 287.240, 287.390, 287.510, 287.560, 287.610, 287.800, 287.957, and 288.060, RSMo, and to enact in lieu thereof eighteen new sections relating to employment, with penalty provisions.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, House Amendments Nos. 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1 TO  
HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 for House Amendment No. 1 for House Substitute for Senate Bill No. 932, Page 6, Section 288.050, Line 8 of said page, by inserting after the word “**work.**” the following:

**“The employer shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by a statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment. Use of a controlled substance as defined under section 195.010, RSMo, under, and in conformity with the lawful order of a healthcare practitioner shall not be deemed to be misconduct connected with work for the purposes of this section.”; and**

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

HOUSE SUBSTITUTE AMENDMENT NO. 1  
FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 932, Page 55, Section 287.957, Line 25, by inserting after all of said line the following:

“288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer; except that the claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

(b) If the claimant quit temporary work to return to such claimant's regular employer; or

(c) If the deputy finds the individual quit work, which would have been determined not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within twenty-eight calendar days of the first day worked; or

(d) As to initial claims filed after December 31, 1988, if the claimant presents evidence supported by competent medical proof that she was forced to leave her work because of pregnancy, notified her employer of such necessity as soon as practical under the circumstances, and returned to that employer and offered her services to that employer as soon as she was physically able to return to work, as certified by a licensed and practicing physician, but in no event later than ninety days after the termination of the pregnancy. An employee shall have been employed for at least one year with the same employer before she may be provided benefits pursuant to the provisions of this paragraph;

(2) That the claimant has retired pursuant to the terms of a labor agreement between the claimant's employer and a union duly elected by the employees as their official representative or in accordance with an established policy of the claimant's employer; or

(3) That the claimant failed without good cause either to apply for available suitable work when so directed by the deputy, or to accept suitable work when offered the claimant, either through the division or directly by an employer by whom the individual was formerly employed, or to return to the individual's customary

self-employment, if any, when so directed by the deputy.

(a) In determining whether or not any work is suitable for an individual, the division shall consider, among other factors and in addition to those enumerated in paragraph (b) of this subdivision, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the individual's length of unemployment, the individual's prospects for securing work in the individual's customary occupation, the distance of available work from the individual's residence and the individual's prospect of obtaining local work; except that, if an individual has moved from the locality in which the individual actually resided when such individual was last employed to a place where there is less probability of the individual's employment at such individual's usual type of work and which is more distant from or otherwise less accessible to the community in which the individual was last employed, work offered by the individual's most recent employer if similar to that which such individual performed in such individual's last employment and at wages, hours, and working conditions which are substantially similar to those prevailing for similar work in such community, or any work which the individual is capable of performing at the wages prevailing for such work in the locality to which the individual has moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable for the individual;

(b) Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied pursuant to this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

b. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar

work in the locality;

c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

2. [Notwithstanding the other provisions of this law,] If a deputy finds that a claimant has been discharged for misconduct connected with the claimant's work, such claimant[, depending upon the seriousness of the misconduct as determined by the deputy according to the circumstances in each case,] shall be disqualified for waiting week credit or benefits [for not less than four nor more than sixteen weeks for which the claimant claims benefits and is otherwise eligible], **and no benefits shall be paid nor shall the cost of any benefits be charged against any employer for any period of employment within the base period until the claimant has earned wages for work insured under the unemployment laws of this state or any other state as prescribed in this section.** In addition to the disqualification for benefits pursuant to this provision the division may in the more aggravated cases of misconduct, cancel all or any part of the individual's wage credits, which were established through the individual's employment by the employer who discharged such individual, according to the seriousness of the misconduct. A disqualification provided for pursuant to this subsection shall not apply to any week which occurs after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state in an amount equal to eight times the claimant's weekly benefit amount. **Should a claimant be disqualified on a second or subsequent occasion within the base period or subsequent to the base period the claimant shall be required to earn wages in an amount equal to or in excess of eight times the claimant's weekly benefit amount for each disqualification, such additionally required wages shall run consecutively. For the purpose of this chapter, a professionally administered and documented positive chemical test result for a controlled substance as defined under section 195.010,**

**RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood shall be deemed misconduct connected with work.**

3. [A pattern of] Absenteeism or tardiness may constitute misconduct regardless of whether the last incident alone [which results] **resulting** in the discharge constitutes misconduct.

4. Notwithstanding the provisions of subsection 1 of this section, a claimant may not be determined to be disqualified for benefits because the claimant is in training approved pursuant to section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or because the claimant left work which was not "suitable employment" to enter such training. For the purposes of this subsection "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than eighty percent of the worker's average weekly wage as determined for the purposes of the Trade Act of 1974."; and

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

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 932, Page 20, Section 287.128, Line 11 of said page, by inserting after all of said line the following:

**"(11) Knowingly organize, plan, or in any way participate in staged workplace accidents. Any person who violates the provisions of this subsection shall be guilty of a class D felony.";** and

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

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 932, Page 9, Section 287.020, Line 7 of said page, by inserting after all of said line the following:

**"17. "Objective relevant medical findings"**

**in support of medical evidence are verifiable indications of injury or disease that may include, but are not limited to, limitation of range of motion, atrophy, muscle strength, and palpable muscle spasm. Objective relevant medical findings do not include physical findings or subjective responses to physical examinations that are not reproducible, measurable, or observable by diagnostic testing or examination. Objective relevant medical findings are those findings which cannot solely come under the voluntary control of the patient. Medical opinions addressing compensability and permanent impairment must be stated within a reasonable degree of medical certainty.";** and renumber remaining subsections accordingly; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 932, Page 58, Line 18, by inserting at the end of said line the following:

**"288.525. 1. There is hereby created a "Missouri State Unemployment Council" (the council). The council shall consist of nine appointed voting members and two appointed nonvoting members. All appointees shall be persons whose training and experience qualify them to deal with the problems of unemployment compensation, particularly legal, accounting, actuarial, economic, and social aspects of unemployment compensation.**

**2. (1) Three voting members shall be appointed to the council by the governor. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation.**

(2) Three voting members and one nonvoting member shall be appointed to the council by the speaker of the house of representatives. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers that employ twenty or fewer employees. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the house of representatives.

(3) Three voting members and one nonvoting member shall be appointed to the council by the president pro tem of the senate. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the senate.

2. The council shall organize itself and select a chairperson or co-chairpersons and other officers from the nine voting members. Six voting members shall constitute a quorum and the council shall act only upon the affirmative vote of at least five of the voting members. The council shall meet no fewer than four times yearly. Members of the council shall serve without compensation, but are to be reimbursed the amount of actual expenses. Actual expenses shall be paid from the special employment security fund under section 288.310.

3. The division shall provide professional and clerical assistance as needed for regularly

scheduled meetings.

4. Each nonvoting member shall serve for a term of four years or until he or she is no longer a member of the general assembly whichever occurs first. A nonvoting member's term shall be a maximum of four years. Each voting member shall serve for a term of three years. For the initial appointment, the governor-appointed employer representative, the speaker of the house-appointed employee representative, and the president pro tem of the senate-appointed public interest representative shall serve an initial term of one year. For the initial appointment, the governor-appointed employee representative, the speaker of the house-appointed public interest representative, and the president pro tem of the senate-appointed employer representative shall serve an initial term of two years. At the end of a voting member's term he or she may be reappointed; however, he or she shall serve no more than two terms excluding the initial term for a maximum of eight years.

5. The council shall advise the division in carrying out the purposes of this chapter. The council shall submit annually by January fifteenth to the governor and the general assembly its recommendations regarding amendments of this chapter, the status of unemployment insurance, the projected maintenance of the solvency of unemployment insurance, and the adequacy of unemployment compensation.

6. The council shall present to the division every proposal of the council for changes in this chapter and shall seek the division's concurrence with the proposal. The division shall give careful consideration to every proposal submitted by the council for legislative or administrative action and shall review each legislative proposal for possible incorporation into department of labor and industrial relations recommendations.

7. The council shall have access to only the records of the division that are necessary for the

**administration of this chapter and to the reasonable services of the employees of the division. It may request the director or any of the employees appointed by the director or any employee subject to this chapter, to appear before it and to testify relative to the functioning of this chapter and to other relevant matters. The council may conduct research of its own, make and publish reports, and recommend to the division needed changes in this chapter or in the rules of the division as it considers necessary.**

**8. The council, unless prohibited by a concurrent resolution of the general assembly, shall be authorized to commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The study shall be conducted every five years, the first being conducted in fiscal year 2005. The study shall be funded subject to appropriation from the special employment security fund under section 288.310.”.**

#### HOUSE AMENDMENT NO. 5

Amend House Substitute For Senate Bill No. 932, Section 288.060, Page 58, Line 18, by inserting after said line the following:

“288.190. 1. The director shall designate an impartial referee or referees to hear and decide disputed determinations, claims referred pursuant to subsection 2 of section 288.070, and petitions for reassessment. No employee of the division shall participate on behalf of the division in any case in which the division employee is an interested party.

2. The manner in which disputed determinations, referred claims, and petitions for reassessment shall be presented and the conduct of hearings shall be in accordance with regulations prescribed by the division for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. When the same or substantially similar evidence is relevant and material to the matters in

issue in claims by more than one individual or in claims by a single individual in respect to two or more weeks of unemployment, the same time and place for considering each such claim or claims may be fixed, hearings thereon jointly conducted, a single record of the proceedings made, and evidence introduced with respect to one proceeding considered as introduced in the others, if in the judgment of the appeals tribunal or the commission having jurisdiction of the proceeding such consolidation would not be prejudicial to any party. A full and complete record shall be kept of all proceedings in connection with a disputed determination, referred claim, or petition for reassessment. The appeals tribunal shall include in the record and consider as evidence all records of the division that are material to the issues. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

3. Unless an appeal on a disputed determination or referred claim is withdrawn, an appeals tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, or reverse the determination of the deputy, or shall remand the matter to the deputy with directions. In addition, in any case wherein the appellant, after having been duly notified of the date, time, and place of the hearing, shall fail to appear at such hearing, the appeals tribunal may enter an order dismissing the appeal. The director may transfer to another appeals tribunal the proceedings on an appeal determination before an appeals tribunal. The parties shall be duly notified of an appeals tribunal's decision or order, together with its reason therefor, which shall be deemed to be the final decision or order of the division unless, within thirty days after the date of notification or mailing of such decision, further appeal is initiated pursuant to section 288.200; except that, within thirty days of either notification or mailing of the appeals tribunal's decision or order, the appeals tribunal, on its own motion, may reconsider any decision or order when it appears that such reconsideration is essential to the accomplishment of the object and purpose of this law.

4. Unless a petition for reassessment is withdrawn or is allowed without a hearing, the petitioners shall be given a reasonable opportunity for a fair hearing before an appeals tribunal upon each such petition. The appeals tribunal shall promptly notify the interested parties of its decision upon such petition together with its reason therefor. In addition, in any case wherein the appellant, after having been duly notified of the date, time, and place of the hearing, shall fail to appear at such hearing, the appeals tribunal may enter an order dismissing the appeal. In the absence of the filing of an application for review of such decision, the decision, whether it results in a reassessment or otherwise, shall become final thirty days after the date of notification or mailing thereof; except that, within thirty days of either notification or mailing of the appeals tribunal's decision or order, the appeals tribunal, on its own motion, may reconsider any decision or order when it appears that such reconsideration is essential to the accomplishment of the object and purposes of this law.

5. Any party subject to any decision of an appeals tribunal pursuant to this chapter has a right to counsel **and the right to designate a representative, including but not limited to, a certified public accountant, or human resource professional to represent the party at any hearing** and shall be notified prior to a hearing conducted pursuant to this chapter that a decision of the appeals tribunal is presumptively conclusive for the purposes of this chapter as provided in section 288.200.”; and

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

#### HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 932, Page 32, Section 287.140, Line 8, by deleting the word [may] and inserting in lieu thereof the word “**shall**”.

In which the concurrence of the Senate is respectfully requested.

## CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1305**, as amended: Senators Scott, Loudon, Cauthorn, Wheeler and Kennedy.

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

## RECESS

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

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

## PRIVILEGED MOTIONS

Senator Goode moved that **SCS** for **SB 901**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCA 1** was taken up.

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

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

NAYS—Senators—None

Absent—Senators

Bray	Dougherty	Kinder—3
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Absent with leave—Senators—None

On motion of Senator Goode, **SCS** for **SB 901**, 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
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dougherty	Kinder—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Goode 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 Champion moved that the Senate refuse to concur in **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Gibbons moved that **SCS** for **SB 1093**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 1093**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1093

An Act to amend chapters 67, 362, 369, and 370, RSMo, by adding thereto four new sections relating to investment of public funds.

Was taken up.

Senator Gibbons moved that **HCS** for **SCS** for **SB 1093** 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 Gibbons, **HCS** for **SCS** for **SB 1093** 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 Gibbons, title to the bill was agreed to.

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

Senator Kinder moved that motion lay on the

table, which motion prevailed.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HS** for **HCS** for **HB 1207**, introduced by Representative Icet, entitled:

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

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

Senator Loudon offered **SS** for **HS** for **HCS** for **HB 1207**, entitled:

SENATE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1207

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

Senator Loudon moved that **SS** for **HS** for **HCS** for **HB 1207** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1207, Page 3, Section 245.015, Line 18, by striking the word “tree” and inserting in lieu thereof the word “**three**”.

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

Senator Loudon moved that **SS** for **HS** for **HCS** for **HB 1207**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **HS** for **HCS** for **HB 1207**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty

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

NAYS—Senators—None

Absent—Senators

Bland Goode—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS** for **HB 1055**, entitled:

An Act to repeal sections 556.037, 566.083, 566.093, 566.095, 566.140, 566.141, 573.037, 573.040, 589.400 and 589.425, RSMo, and to enact in lieu thereof thirteen new sections relating to sexual offenses, with a penalty provision.

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

Senator Vogel offered **SS** for **HCS** for **HB 1055**, entitled:

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

An Act to repeal sections 565.082, 565.083, 556.037, 566.083, 566.140, 566.141, 573.037, 573.040, 589.400, 589.425, and 660.520, RSMo, and to enact in lieu thereof fourteen new sections relating to sexual offenses, with a penalty provision.

Senator Vogel moved that **SS** for **HCS** for **HB 1055** be adopted.

Senator Jacob offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 7, Section 537.040, Line 29, of said page, by inserting after all of said line the following:

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

(1) “Childhood sexual abuse”, any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

(2) “Injury” or “illness”, either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. In any civil action for recovery of damages suffered as a result of childhood sexual abuse, [the time for commencement of the action shall be within five years] **the action shall be commenced within ten years** of the date the plaintiff attains the age of [eighteen] **twenty-one** or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse, whichever later occurs.

3. This section shall apply to any action commenced on or after August 28, 1990, including any action which would have been barred by the application of the statute of limitation applicable prior to that date.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Line 10, of said page, by

inserting after all of said line the following:

“337.500. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

(1) “Committee”, the committee for professional counselors;

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

(3) “Director”, the director of the division of professional registration in the department of economic development;

(4) “Division”, the division of professional registration;

(5) “Licensed professional counselor”, any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed in counseling, and who holds a current, valid license to practice counseling;

(6) “Practice of professional counseling”, rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any counseling service involving the application of counseling procedures, and the principles and methods thereof, to assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational, vocational, developmental, or rehabilitative adjustments;

(7) “Professional counseling”, includes, but is not limited to:

(a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures based on principles for assessing, understanding, or influencing behavior (such as principles of learning, conditioning, perception, motivation, thinking, emotions, or social systems);

(b) Appraisal, **diagnosis**, or assessment, which means selecting, administering, scoring, or

interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes, abilities, achievement, interests, and personal characteristics **and the identification of mental, emotional, and behavioral disorders based upon assessment of the symptoms presented and observed characteristics;**

(c) The use of referral or placement techniques or both which serve to further the goals of counseling;

(d) Therapeutic vocational or personal or both rehabilitation in relation to coping with or adapting to physical disability, emotional disability, or intellectual disability or any combination of the three;

(e) Designing, conducting, and interpreting research;

(f) The use of group methods or techniques to promote the goals of counseling;

(g) The use of informational and community resources for career, personal, or social development;

(h) Consultation on any item in paragraphs (a) through (g) above; and

(i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall be construed to mandate benefits or third-party reimbursement for services of professional counselors in the policies or contracts of any insurance company, health services corporation or other third-party payer;

(8) "Provisional licensed professional counselor", any person who is a graduate of an acceptable educational institution, as defined by division rules, with at least a master's degree with a major in counseling, or its equivalent, and meets all requirements of a licensed professional counselor, other than the supervised counseling experience prescribed by subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the practice of professional counseling."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 2** is out of order as it goes beyond the scope, purpose and title of the bill.

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

Senator Jacob offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 5, Section 566.083, Line 1, by inserting after said line the following:

"566.093. 1. A person commits the crime of sexual misconduct in the second degree if [he] **such person**:

(1) Exposes his **or her** genitals under circumstances in which he **or she** knows that his **or her** conduct is likely to cause affront or alarm; [or]

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he **or she** knows that such conduct is likely to cause affront or alarm; **or**

**(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.**

2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor."; and

Further amend page 5, section 566.140, line 2, by inserting immediately after the section identifier "566.140." the following subsection identifier "1."; and

Further amend page 5, section 566.140, lines 16-18, by striking the words "**Any person**

involved in such a program shall be required to follow all directives of the treatment program provider.”; and

Further amend same page, same section, line 18, by inserting after the end of said line the following:

**“2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation, following the probationer’s plea of guilty to or a finding of guilty of violating any provision of this chapter or chapter 565, RSMo, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:**

**(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;**

**(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and**

**(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.”; and**

Further amend page 9, section 589.400, line 6,

by inserting immediately after the word “state” the following **“, foreign country,”**; and

Further amend same page, same section, line 6, by inserting immediately after the word “federal” the following **“or military”**.

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

Senator Childers assumed the Chair.

Senator Gibbons offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 11, Section 589.425, Line 8, by deleting all of said section and inserting in lieu thereof the following:

**“589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and does not meet all requirements of sections 589.400 to 589.425 is guilty of a class A misdemeanor, unless the person has been convicted pursuant to chapter 566 of an unclassified felony, class A felony, class B felony, or any felony involving a child under the age of fourteen, in which case the person is guilty of a class D felony.**

**2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony, unless the person has been convicted pursuant to chapter 566 of an unclassified felony, class A felony, class B felony, or any felony involving a child under the age of fourteen, in which case the person is guilty of a class C felony.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Shields offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055,

Page 1, Section 43.651, Line 10, by inserting immediately after said line the following:

**“144.1050. Sections 144.1050 to 144.1064 shall be known and may be cited as the “Adult Entertainment Tax Act”.**

**144.1052. As used in sections 144.1050 to 144.1064, the following terms shall mean:**

**(1) “Adult entertainment products and services”, shall include all of the following:**

**(a) Any matter that includes actual sexually explicit conduct and is subject to the requirements of Section 2257 of Title 18 of the United States Code; and**

**(b) Any live performance, characterized by the display of complete nudity, that may include the performance of actual or simulated sexual activities;**

**(2) “Actual sexually explicit conduct”, any of the following actual, but not simulated conduct as defined in Section 2257 of Title 18 of the United States Code:**

**(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;**

**(b) Bestiality;**

**(c) Masturbation;**

**(d) Sadistic or masochistic abuse; or**

**(e) Lascivious exhibition of the genitals of pubic area of any person;**

**(3) “Disclosure statement”, the statement required under subsection (e) of Section 2257 of Title 18 of the United States Code.**

**144.1054. In addition to any tax imposed pursuant to this chapter, for the privilege of selling adult entertainment products or services at retail, a tax is hereby imposed upon all retailers at the rate of five percent of the gross receipts from the retail sale in this state on or after January 1, 2005, of all adult entertainment products and services. In the case of any place**

**of business that offers any live performance as described in paragraph (b) of subdivision (1) of section 144.1052, gross receipts of all adult entertainment products or services include all gross receipts of the retailer at that place of business.**

**144.1056. 1. In addition to any tax imposed pursuant to this chapter, an excise tax is hereby imposed on the storage, use, or other consumption in this state of adult entertainment products and services purchased from any retailer on or after July 1, 2004, for the storage, use, or other consumption in this state, at the rate of five percent of the sales price of those products and services.**

**2. The tax provided for in this section shall not be imposed upon the storage, use, or other consumption of any adult entertainment product or service that was purchased from a retailer that paid the tax imposed by section 144.1054 with respect to the retail sale of that product or service.**

**144.1058. The tax imposed by sections 144.1050 to 144.1064 shall not be imposed upon any Internet service provider or commercial on-line service provider carrying or transmitting messages or images described in sections 144.1050 to 144.1064 or performing related activities in providing on-line services.**

**144.1060. Retailers shall collect the tax required pursuant to sections 144.1054 and 144.1056 on any adult entertainment products or services described in subdivision (1) of section 144.1052 that include or bear the disclosure statement defined in subdivision (3) of section 144.1052.**

**144.1062. To the extent feasible or practicable, the provisions of this chapter, shall govern determinations, collections of tax, overpayments and refunds, and administration pursuant to this section.**

**144.1064. The department of revenue shall enforce the provisions of sections 144.1050 to 144.1062 and may promulgate rules and**

**regulations relating to the administration and enforcement of sections 144.1050 to 144.1062. 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 Shields moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 5 is out of order as it exceeds the scope and purpose of the original bill.

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

Senator Bartle offered SA 6, which was read:

**SENATE AMENDMENT NO. 6**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Lines 7-10, by removing said section and further amend the title and enacting clause accordingly.

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

President Maxwell assumed the Chair.

Senator Bray offered SA 7:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 6, Section 566.147, Line 26, by inserting

immediately after all of said line the following:

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

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

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

**(3) “Coercion”,**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) By means of the abuse or threatened

abuse of the law or the legal process.

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

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

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

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

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

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

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

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

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

(2) Causes a person under the age of

eighteen to engage in a commercial sex act.

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

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

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

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

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

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

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

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

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

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

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

3. A client of an international matchmaking organization shall:

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

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

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

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

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

6. An international matchmaking

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

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

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 8:**

#### SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Line 10, of said page, by inserting after all of said line the following:

“50.550. **1.** The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

**2.** The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

**3.** In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

**4.** All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

**5.** All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds

sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

**6. Subject to the provisions of section 50.565 the county commission may create a fund to be known as “The County Law Enforcement Restitution Fund”.**

7. The county commission may create other funds as are necessary from time to time.

**50.565. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county law enforcement restitution fund and shall be under the supervision of a board of trustees consisting of two citizens of the county appointed by the presiding commissioner of the county, two citizens of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county coroner or medical examiner. The citizens so appointed shall not be current or former employees of the sheriff's department, the office of the prosecuting attorney for the county, or the county treasurer's office. If a county does not have a coroner or medical examiner, the county treasurer shall appoint one citizen to the board of trustees.**

**2. Money from the county law enforcement restitution fund shall only be expended upon the approval of a majority of the members of the county law enforcement restitution fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county law enforcement restitution fund shall only be expended for the following purposes:**

**(1) Narcotics investigation, prevention, and intervention;**

**(2) Purchase of law enforcement related equipment and supplies for the sheriff's office;**

**(3) Matching funds for federal or state law enforcement grants;**

**(4) Funding for the reporting of all state and federal crime statistics or information; and**

**(5) Any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county law enforcement restitution fund that is reasonably related to investigation, charging, preparation, trial, and disposition of criminal cases before the courts of the state of Missouri.**

**4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county law enforcement restitution fund. The restitution fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal funds.**

**5. County law enforcement restitution funds shall be audited as are all other county funds.**

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

Further amend said bill, page 2, section 556.037, line 2, by inserting after all of said line the following:

“558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and

those otherwise excluded in subsection 1 of this section. For the purposes of this section, “prison commitment” means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be

required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term “minimum prison term” shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from

a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall study alternative sentences, prison work programs, work release,

home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.

(6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(8) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

(1) Restitution to any victim **or a statutorily created fund** for costs incurred as a result of the offender's actions;

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities;  
and

(5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed two hundred seventy-five dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

12. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant

will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, **any statutorily created fund for costs incurred as a result of the offender's actions, or society.** Such conditions may include **restorative justice methods pursuant to section 217.777, RSMo, or any other method that the court finds just or appropriate including,** but [shall] not [be] limited to:

(1) Restitution to the victim or any dependent of the victim, **or statutorily created fund for costs incurred as a result of the offender's actions** in an amount to be determined by the judge; [and]

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge;

**(3) Offender treatment programs;**

**(4) Work release programs in local facilities; and**

**(5) Community-based residential and nonresidential programs.**

3. The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288,

RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

**4. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed two hundred seventy-five dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo.**

**5. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.**

**6. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.**

7. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.”; and

Further amend the title and enacting clause accordingly.

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

Senator Champion offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

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

(1) “Authorized state agency”, a division of state government or an office of state government designated by the statutes of Missouri to issue or renew a license, permit, certification, or registration of authority to a qualified entity;

(2) “Care”, the provision of care, treatment, education, training, instruction, supervision, or recreation;

(3) “Missouri criminal record review”, a review of criminal history records [or] and sex offender registration records pursuant to sections 589.400 to 589.425, RSMo, maintained by the Missouri state highway patrol in the Missouri criminal records repository;

(4) “National criminal record review”, a review of the criminal history records maintained by the Federal Bureau of Investigation;

(5) “Patient or resident”, a person who by reason of age, illness, disease or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;

(6) “Provider”, a person who:

(a) Has or may have unsupervised access to children, the elderly, or persons with disabilities; and

(b) Is employed by or seeks employment with a qualified entity; or

(c) Volunteers or seeks to volunteer with a qualified entity; or

(d) Owns or operates a qualified entity;

(7) “Qualified entity”, a person, business, or organization, whether public or private, for profit, not for profit, or voluntary, that provides care, placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or placement services;

(8) “Youth services agency”, any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.

2. A qualified entity may obtain a Missouri criminal record review of a provider from the highway patrol by furnishing information on forms and in the manner approved by the highway patrol.

3. A qualified entity may request a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:

(1) Two sets of fingerprints of the provider;

(2) A statement signed by the provider which contains:

(a) The provider's name, address, and date of birth;

(b) Whether the provider has been convicted of or has pled guilty to a crime which includes a suspended imposition of sentence;

(c) If the provider has been convicted of or has pled guilty to a crime, a description of the crime, and the particulars of the conviction or plea;

(d) The authority of the qualified entity to check the provider's criminal history;

(e) The right of the provider to review the report received by the qualified entity; and

(f) The right of the provider to challenge the accuracy of the report. If the challenge is to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.

4. The authorized state agency shall forward the required forms and fees to the highway patrol. The results of the record review shall be forwarded to the authorized state agency who will notify the qualified entity. The authorized state agency may assess a fee to the qualified entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of a provider. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Vogel moved that **SS** for **HCS** for **HB 1055**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SS** for **HCS** for **HB 1055**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster

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

NAYS—Senators—None

Absent—Senators

Coleman Days—2

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.

### 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 870**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to sexually-oriented billboards, with penalty provisions.

With House Amendment No. 3.

#### HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 870, Page 3, Section 226.531, Line 16, by inserting after said line the following:

“Section 1. The attorney general shall represent the state in all actions and proceedings arising from this section 573.510. Also, all costs incurred by the attorney general to defend or prosecute this section 573.510, including payment

of all court costs, civil judgements and, if necessary, any attorneys fees, shall be paid from the general revenue fund.”

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 878**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1331**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 921**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1111**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1107**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 992**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1006**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 956**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 951**.

Bill ordered enrolled.

### PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SSA 1** for **SA 1** to **HCS** for **HB 1617** and grant the House a conference thereon, which motion prevailed.

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1006, 1008** and **1011** to be allowed to meet while the Senate is in session, which request was granted.

### HOUSE BILLS ON THIRD READING

**HCS** for **HB 1288**, with **SCS**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to compensation agreements between franchisers and franchisees.

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

**SCS** for **HCS** for **HB 1288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1288

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof eight new sections relating

to contractual agreements between manufacturers and other merchants.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1288** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 1288**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1288

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof eight new sections relating to contractual agreements between manufacturers and other merchants.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1288** be adopted.

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

### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, Page 15, Section 407.1368, Line 16, by striking "five" and inserting in lieu thereof "ten".

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

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1288**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 1288**, as amended, was read the 3rd time and passed by the following vote:

#### YEAS—Senators

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

NAYS—Senators

Bartle Clemens Scott—3

Absent—Senator Childers—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 1493**, introduced by Representative Emery, et al, with **SCS**, entitled:

An Act to repeal sections 247.172 and 394.312, RSMo, and to enact in lieu thereof two new sections relating to electric territorial agreements.

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

**SCS** for **HB 1493**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1493

An Act to repeal sections 247.085, 247.172, 386.390, and 394.312, RSMo, and to enact in lieu thereof five new sections relating to water and electric utilities.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1493** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1493, Page 5, Section 247.172, Line 105, by inserting after all of said line the following:

“386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have

expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

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

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

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

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

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

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

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

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1493, Page 12, Section 394.312, Line 96, by inserting immediately after said line the following:

**“700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the “Manufactured Home Installation Act”.**

**2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:**

**(1) “Applicant”, a person who applies to the commission for a license or limited use license to install manufactured homes;**

**(2) “Commission”, the Missouri public service commission;**

**(3) “Dealer”, any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes in any consecutive twelve-month period;**

**(4) “Installation”, work undertaken at the place of occupancy to ensure the proper initial setup of a manufactured home which shall include the joining of all sections of the home, installation of stabilization, support, and**

**leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;**

**(5) “Installation standards”, reasonable specifications for the installation of a manufactured home;**

**(6) “Installer”, an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680 of this act;**

**(7) “Manufactured home”, a manufactured home as that term is defined in subdivision (5) of section 700.010;**

**(8) “Manufacturer”, any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale; and**

**(9) “Person”, an individual, partnership, corporation, or other legal entity.**

**700.653. The commission shall implement a program, consistent with Title VI of P.L. 106-569 and any federal regulations promulgated pursuant to that act, to assure the proper installation of manufactured homes by licensed installers. The program shall include the following components:**

**(1) Licensing of installers, including penalties for engaging in the business of manufactured home installation without a license from the commission;**

**(2) Installation standards applicable to manufactured homes;**

**(3) Inspection of a percentage of installed manufactured homes; and**

**(4) A process to resolve disputes relating to the installation of manufactured homes.**

**700.656. 1. No person shall engage in the business of installing manufactured homes or hold himself or herself out as a manufactured home installer in this state unless such person holds a valid installer license issued by the**

commission pursuant to sections 700.650 to 700.680.

2. The installer license obtained from the commission shall be the only installer license required for installing manufactured homes within this state. No political subdivision of this state may issue an installer license or require additional professional licensure of installers already licensed by the commission.

3. Manufactured home dealers and manufactured home manufacturers who do not subcontract with a licensed installer and who perform installations themselves or through direct agents or employees shall have at least one agent or employee who is a licensed installer.

4. Any corporation, partnership, or other legal entity that performs installation shall have at least one supervising agent who is a licensed installer.

5. A license to install manufactured homes is not required for a person who installs a manufactured home on his or her property for his or her own occupancy or who is a direct agent of a licensee, working under the licensee's supervision and within the licensee's job scope. The licensed installer is responsible for supervising all such agents for their competent and proper performance.

**700.659. 1.** The commission shall issue an installer license to an applicant who:

(1) Files a written application with the commission on a form approved by the commission;

(2) Is at least eighteen years old;

(3) Is of good moral character;

(4) Presents evidence that he or she has completed a training program approved by the commission;

(5) Has attained a passing grade upon an examination, approved by the commission, that is designed to test the skills necessary to properly perform as an installer and to

ascertain the adequacy of the applicant's knowledge of federal and state laws applicable to manufactured home installation. The commission may establish what constitutes a passing grade for the examination; and

(6) Pays all fees as required by sections 700.650 to 700.680 and by commission rule.

2. In addition to fulfilling the requirements of subsection 1 of this section, an applicant who is not an agent of a dealer or manufacturer shall obtain and show proof of a certificate of insurance for workers' compensation coverage.

3. In addition to fulfilling the requirements of subsection 1 of this section, an applicant who is an agent of a dealer or manufacturer shall show proof of general liability insurance in an amount of at least three hundred thousand dollars.

4. An installer license shall be valid for a period of time determined by the commission, but not for less than one year, and it may be renewed accordingly.

**700.662. 1.** The commission may waive the training and examination requirements of subsection 1 of section 700.659 and grant an installer license to an applicant who pays the applicable fee and demonstrates to the commission's satisfaction that his or her current license, registration, or certification requirements as an installer in another state, the District of Columbia, or territories of the United States substantially meets or exceeds the requirements in sections 700.650 to 700.680.

2. The commission may negotiate reciprocal agreements that allow licensed installers in Missouri to become licensed in other states, the District of Columbia, or territories of the United States.

**700.665.** Upon payment of an applicable fee, the commission may issue a limited use installer license to an applicant not otherwise licensed pursuant to sections 700.650 to 700.680 who already has installation experience but who has not met the training and examination

requirements for licensure. The limited use installer license shall allow the person to install manufactured homes under the supervision of a person currently licensed pursuant to sections 700.650 to 700.680. The limited use license shall expire when the commission issues an installer license to the applicant or if the applicant fails to attain a passing grade on the examination. The commission may renew an applicant's limited use license one time.

**700.668. 1.** The commission shall mail a renewal notice to the last known address of each installer licensee prior to the renewal date and shall establish procedures and requirements, including proof of continuing education, for renewing an installer license. The commission shall renew the license of a licensee who fulfills these requirements before the expiration date of his or her license and within a time period determined by the commission. The commission shall deny renewal to a licensee who does not fulfill these requirements.

**2.** Within ten days of receiving notification, a licensee shall notify the commission in writing of the cancellation, termination, or nonrenewal of any workers' compensation coverage or general liability insurance required by section 700.659. The commission may suspend an installer license until the licensee provides proof that the insurance coverage is restored.

**3.** Upon a licensee's written request, the commission may grant inactive status to a licensee, if the person meets the licensing requirements in sections 700.650 to 700.680 and:

- (1) Does not install manufactured homes, except as allowed pursuant to section 700.659;
- (2) Does not hold himself or herself out as an installer in the state of Missouri; and
- (3) Maintains continuing education requirements established by the commission.

**4.** The commission may establish procedures and requirements for reissuing an installer license that has lapsed, expired, or

been suspended, revoked, or placed on inactive status. The commission shall not reissue a license more than two years after its expiration date.

**700.671. 1.** No person shall:

- (1) Falsely hold himself, herself, or a business organization out as a licensed installer;
- (2) Falsely impersonate a licensed installer;
- (3) Present as his or her own the installer's license of another;
- (4) Knowingly give false or forged evidence to the commission;
- (5) Use or attempt to use an installer license that has been suspended or revoked; or
- (6) Engage in the business or act in the capacity of a licensed installer or advertise himself, herself, or a business organization as available to engage in the business or act in the capacity of an installer without being duly licensed by the commission.

**2.** Any person who violates any provision of this section is guilty of a class A misdemeanor.

**700.674.** No person licensed as an installer and no applicant shall:

- (1) Obtain an installer license by fraud or misrepresentation;
- (2) Be convicted of or found guilty of, or enter a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the business of performing or the ability to perform manufactured home installation;
- (3) Violate any order of the commission;
- (4) Commit misconduct, fraud, misrepresentation, or dishonesty in installing manufactured homes;
- (5) Commit gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property; or
- (6) Commit violations of installation standards adopted by the commission pursuant

to section 700.683.

**700.677. 1.** Notwithstanding any provision of law to the contrary, the commission may discipline a holder of an installer license, a holder of a limited use installer license, or any other person for any violation or combination of violations of sections 700.671 and 700.674.

**2.** The commission may discipline a licensee or applicant who violates any provision of section 700.674 by:

- (1) Revoking a license;
- (2) Suspending a license;
- (3) Requiring the person to take and pass, or retake and pass, an examination approved by the commission;
- (4) Placing the person on probation;
- (5) Sending the person a notice of noncompliance; or
- (6) Refusing to issue a license.

**3.** The commission may consider a complaint filed with it charging a licensed installer with a violation of the provisions of sections 700.650 to 700.680. If proven, the charges shall constitute grounds for revoking or suspending the installer license or for placing the licensed installer on probation.

**4.** If it refuses to issue or renew an installer license or limited use installer license, the commission shall notify the person, in writing, of:

- (1) The reasons for refusal;
- (2) The option to resolve the matter through the commission's alternative dispute resolution process;
- (3) The opportunity to file a formal complaint with the commission if the person does not choose alternative dispute resolution or if that process fails to resolve the matter; and
- (4) The right to review by the circuit court, pursuant to section 386.510, RSMo.

**700.680. 1.** The commission shall investigate

all complaints concerning violations of sections 700.650 to 700.680 to determine if there are grounds for disciplining a holder of an installer license or limited use installer license or for refusing to issue either form of license to an applicant.

**2.** The commission may issue subpoenas duces tecum in order to cause any installer licensee, holder of a limited use installer license, or other person to produce records or appear as a witness in connection with an investigation or proceeding pursuant to this section.

**3.** In lieu of or in addition to any remedy provided in this section, the commission may file a petition in the name of the state asking a court to issue a restraining order or a writ of mandamus against any person who is or who had been violating any of the provisions of sections 700.650 to 700.680 or any rule, order, or subpoena issued by the commission.

**700.683. 1.** The commission shall require installers to install homes in accordance with the installation instructions provided by the manufacturer of the manufactured home. The instructions shall have been approved by the United States Department of Housing and Urban Development or one of its authorized agents pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

**2.** The commission shall adopt uniform, reasonable standards for the proper installation of manufactured homes in this state including, but not limited to, standards for the foundation, supports, anchoring, underpinning, and joining of the sections of the home. The standards shall provide for physical engineering needed to appropriately install a manufactured home on a specific site.

**3.** Each licensed installer shall purchase installation decals from the commission for a fee established by the commission. An installation decal shall be affixed to the manufactured home upon completion of the installation. The decal shall note the installer's license number and

shall be permanently affixed to the manufactured home at a location determined by the commission.

**700.686.** The commission shall conduct inspections of new manufactured home installations performed by licensed installers consistent with standards adopted pursuant to section 700.683 and with requirements established by the United States Department of Housing and Urban Development.

**700.689.** The commission shall implement a process, by rule, consistent with Title VI of PL 106-569 and any federal regulations promulgated pursuant to that act, to resolve disputes arising among manufacturers, dealers, and installers of manufactured homes regarding responsibility for correcting or repairing defects in manufactured homes that are reported during the one-year period beginning on the date of installation. The program shall provide for issuing appropriate orders.

**700.692. 1.** The commission may implement sections 700.650 to 700.692 using its own employees, using independent contractors, consistent with policies established by the office of administration, or through other private or public entities that provide a service to an applicant or licensee at the expense of the applicant, licensee, or his or her employer.

**2.** The commission may establish reasonable fees to cover the cost of implementing sections 700.650 to 700.692. The commission shall collect the fees and transmit them to the department of revenue for deposit in the state treasury to the credit of the “Manufactured Housing Fund” created pursuant to section 700.040.

**3.** The commission may promulgate any rules necessary and convenient to carry out the purposes of sections 700.650 to 700.692. 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.

Senator Goode offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1493, Page 5, Section 247.172, Line 105, by inserting after all of said line the following:

“386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393, RSMo, and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year

bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed one-fourth of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, RSMo, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to

be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

**6. (1) Prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 2006, the commission shall request from the office of the public counsel an estimate of the costs to be incurred by the public counsel reasonably attributable to the representation of gas, water, and electrical utility customers. The commission shall assess this amount to the public utilities subject to the jurisdiction of the commission, subject to reduction as herein provided, in proportion to their respective gross intrastate operating revenues during the preceding calendar year; provided that the total amount so assessed on behalf of public counsel shall not exceed three one-hundredths of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.**

**(2) In fiscal year 2006, two-thirds of the public counsel's funding for its representation of gas, water, and electrical utility customers as established in subdivision (1) of this subsection shall be appropriated from the general revenue fund, and one-third shall come from the assessments established in subdivision (1) of this subsection. In fiscal year 2007, one-third of the**

public counsel's funding for its representation of gas, water, and electrical utility customers as established in subdivision (1) of this subsection shall be appropriated from the general revenue fund, and two-thirds shall come from the assessments established in subdivision (1) of this subsection. In fiscal year 2008 and all fiscal years thereafter, one hundred percent of the funding for public counsel's representation of gas, water, and electrical utility customers shall come from the assessments established in subdivision (1) of this subsection. Other functions within the office shall continue to be funded through general revenue or other appropriated funds pursuant to section 386.710.

7. The commission shall render a statement for the public counsel assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement; except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of such statement, to wit: July fifteenth, October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

8. The state treasurer shall credit payments received for the public counsel to a special fund, which is hereby created, to be known as the "Public Counsel Fund" with such fund to be devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to its representation of utility customers. Notwithstanding the provisions of section 33.080, RSMo, any amount remaining in such special fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the public counsel in the succeeding fiscal year and shall be applied by the commissioner to the reduction of the amount

to be assessed to any such public utility in such succeeding fiscal year.

386.385. 1. As used in this section, the term "fuel cost" means the amount paid by an electrical corporation for natural gas, oil, or coal, including the transportation thereof, used by the corporation or another entity to generate for or to supply electrical energy to the corporation.

2. Any electrical corporation, as defined in section 386.020, shall be allowed, if the commission finds it to be in the interest of both consumers and the electrical corporation, to recover all of its reasonably and prudently incurred costs for fuel delivered to its generating stations and all of its reasonably and prudently incurred costs for the variable cost component of purchased electrical energy for its retail customers through energy cost adjustment schedules designed to specifically recover such costs.

3. An electrical corporation desiring to collect its energy costs through an energy cost adjustment schedule shall file a proposed schedule with the public service commission for consideration as part of a general rate proceeding unless it has been explicitly permitted to do so by the commission after a contested proceeding.

4. The public service commission shall establish and implement a true-up mechanism, which shall accurately and appropriately remedy any over-collections or under-collections from previous adjustment periods including interest at the electrical corporation's short-term rate, through inclusion of such under or over recoveries in subsequent energy cost adjustments.

5. The public service commission shall allow modification of the energy cost adjustment schedules authorized by this section to be made every ninety days to reflect increases and decreases in fuel costs and purchased energy costs above or below the costs of such items reflected in the permanent base rates of

the electrical corporation on file with and approved by the public service commission, provided that such adjustments shall not include any adjustment for the costs of fuel used to generate electricity sold at wholesale or for the revenues received from sales of electricity at wholesale. Changes in such energy cost adjustments shall be made no more often than every ninety days.

6. An electrical corporation shall not collect an energy cost adjustment for a period exceeding three years unless the electrical corporation has filed for or is the subject of a new general rate proceeding, or unless the electrical corporation has been explicitly permitted to do so by the commission after a contested proceeding. However, the energy cost adjustment may be collected until the effective date of the new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a public service commission order without new rates being established.

7. Once an electrical corporation has begun collecting costs under an energy adjustment clause the electrical corporation shall not withdraw or discontinue the use of an energy cost adjustment clause unless it has been explicitly permitted to do so by the public service commission after a contested proceeding.

8. Nothing in this section shall allow an electrical corporation to avoid any rate freeze, moratorium, or other commitments made in connection with a settlement of any prior proceeding.

9. Nothing in this section shall be construed as limiting the authority of the public service commission, during any general rate proceeding of any electrical corporation, to review and consider fuel costs, purchased electrical energy costs, or other costs, including fuel-related costs.

10. The commission may take into account any reduction in business risk to an electrical

corporation resulting from the energy adjustment clause in setting the electrical corporation's allowed return in any rate proceeding.

11. The public service commission shall have authority to implement mechanisms designed to provide the electrical corporation with incentives for performance in the acquisition of fuel and purchased power and to ensure economic dispatch of electricity.

12. An electrical corporation adopting an energy adjustment clause shall at all times be required to conduct its affairs in a reasonable and prudent manner, and its actions shall be subject to full prudence review on a periodic schedule basis to be proposed by the utility provided that such reviews shall be commenced at least once every thirty-six months, and may be combined with a general rate proceeding.

13. The commission shall adopt regulations to carry into effect the provisions of this section as it may deem necessary.

14. The provisions of this section shall take effect January 1, 2005.”; and

Further amend said bill, page 6, section 386.390, line 40, by inserting after all of said line the following:

“386.900. 1. Any electrical corporation proposing to construct, lease, or invest more than ten percent of its net electric utility plant in Missouri as stated in the utility's annual report to the Missouri public service commission in any new generation plant must provide notice to the commission of its proposal pursuant to section 393.156, RSMo. The commission shall establish rules and regulations governing any competitive bidding process which it may require such corporation to engage in with respect to any such proposal and shall require such corporation to provide information regarding such process to the commission. The corporation shall identify all material for which a need for confidentiality is asserted.

**2. The commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary. No rule or portion of the rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”; and**

Further amend said bill, page 10, section 393.156, line 128, by inserting after all of said line the following:

“393.190. 1. No gas corporation, electrical corporation, water corporation or sewer corporation, **whether organized, existing, or incorporated under the laws of this state or organized, existing, or incorporated under the laws of another state or country**, shall hereafter sell, assign, lease, transfer, mortgage, or otherwise dispose of or encumber the whole or any part of its franchise, works [or] system, **or other assets** necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or consolidate such works or system, or franchises, or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under this chapter, or the sale, assignment, lease, transfer, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Any person seeking any order under this subsection authorizing the sale, assignment, lease, transfer, merger, consolidation or other disposition, direct or indirect, of any gas corporation, electrical corporation, water corporation, or sewer corporation, shall, at the time of application for any

such order, file with the commission a statement, in such form, manner and detail as the commission shall require, as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation, or other disposition will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the corporations involved in such disposition are located. The commission shall send a copy of all information obtained by it as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation or other disposition will have on the tax revenues of various political subdivisions to the county clerk of each county in which any portion of a political subdivision which will be affected by such disposition is located. Nothing in this subsection contained shall be construed to prevent the sale, assignment, lease or other disposition by any corporation, person or public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such corporation, person or public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

2. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality; neither shall any street railroad corporation acquire the stock or bonds of any electrical corporation, unless, in either case, authorized so to do by the commission. Save where stock shall be transferred or held for the purpose of collateral security, no stock corporation of any description, domestic or foreign, other than a gas corporation, electrical corporation, water corporation, sewer corporation or street railroad corporation, shall, without the consent of the commission, purchase or acquire, take or hold, more than ten percent of the total capital stock issued by any gas corporation, electrical

corporation, water corporation or sewer corporation organized or existing under or by virtue of the laws of this state, except that a corporation now lawfully holding a majority of the capital stock of any gas corporation, electrical corporation, water corporation or sewer corporation may, with the consent of the commission, acquire and hold the remainder of the capital stock of such gas corporation, electrical corporation, water corporation or sewer corporation, or any portion thereof.

3. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired, or to prevent upon the surrender or exchange of said stock pursuant to a reorganization plan, the purchase, acquisition, taking or holding of a proportionate amount of stock of any new corporation organized to take over, at foreclosure or other sale, the property of any corporation whose stock has been thus surrendered or exchanged. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation in violation of any provision of this chapter shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such gas corporation, electrical corporation, water corporation or sewer corporation or shall be recognized as effective for any purpose.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Steelman, **HB 1493**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 1617**, as amended: Senators Bartle, Yeckel, Scott, Caskey and Kennedy.

**PRIVILEGED MOTIONS**

Senator Bartle moved that **SB 870**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HS** for **HCS** for **SB 870**, as amended, entitled:

**HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 870**

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to sexually-oriented billboards, with penalty provisions.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle moved that **HS** for **HCS** for **SB 870**, 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 Bartle, **HS** for **HCS** for **SB 870**, 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	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 51**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 50**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 49**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules,

Joint Rules, Resolutions and Ethics, to which was referred **SR 1877**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished; and

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

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

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

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

added techniques:

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

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 authorize the creation of a "Forestry Utilization Committee", which shall review and evaluate both the industrial and economic impact of forestry utilization and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2005; and

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

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Poultry Industry Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information

contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Poultry Industry Committee; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2005; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2005; and

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

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

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Forestry Utilization Committee in carrying out

its duties, including allowing access to closed records, provided that the Forestry Utilization Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

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

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

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

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

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

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
May 6, 2004

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

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 15, 2004 for your advice and consent:

Caroline L. Pufalt, Democrat, 13415 Land O Woods Drive, #3, Chesterfield, St. Louis County, Missouri 63141, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, Frank Beller, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

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

### HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

**HCS for HB 1099**—Ways and Means.

**HB 1548**—Financial and Governmental Organization, Veterans' Affairs and Elections.

### 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 **SB 899**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1130**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1172**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 788**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 842**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1242**, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

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 859**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1078**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1083**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1086**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1235**.

Bill ordered enrolled.

Also,

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

House has taken up and passed **SB 1055**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1195**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1243**.

Bill ordered enrolled.

### HOUSE BILLS ON THIRD READING

**HS** for **HB 1193**, with **SCS**, introduced by Representative Self, entitled:

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

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

**SCS** for **HS** for **HB 1193**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 1193

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **HS** for **HB 1193** be adopted.

At the request of Senator Loudon, **HS** for **HB 1193**, with **SCS**, was placed on the Informal

Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1006** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1006**.

### HOUSE BILLS ON THIRD READING

**HS** for **HB 1021**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Russell.

**SCS** for **HS** for **HB 1021**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 1021

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 1021** be adopted.

Senator Russell offered **SS** for **SCS** for **HS** for **HB 1021**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE BILL NO. 1021

An Act to appropriate money for planning,

expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Senator Russell moved that **SS** for **SCS** for **HS** for **HB 1021** be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HS** for **HB 1021** and was joined in his request by Senators Bland, Callahan, Russell and Mathewson.

**SS** for **SCS** for **HS** for **HB 1021** was adopted by the following vote:

#### YEAS—Senators

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

#### NAYS—Senator Jacob—1

#### Absent—Senators

Bland Quick—2

#### Absent with leave—Senators—None

On motion of Senator Russell, **SS** for **SCS** for **HS** for **HB 1021** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

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

#### NAYS—Senators—None

Absent—Senators

Bland Quick—2

Absent with leave—Senators—None

Senator Shields assumed the Chair.

The President declared the bill passed.

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

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

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

**CONFERENCE COMMITTEE REPORTS**

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1006** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1006**

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1006 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 Substitute for House Committee Substitute for House Bill No. 1006.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1006.
3. That the attached Conference Committee Substitute for House Bill No. 1006, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Charles R. Gross

/s/ Charlie Shields

/s/ Wayne Goode

/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Brad Lager

/s/ Allen Icet

/s/ Jim Whorton

/s/ J. C. Kuessner

Senator Russell 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 Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1006**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1006**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article

IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1007**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1007

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

House Committee Substitute for House Bill No. 1007 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 Substitute for House Committee Substitute for House Bill No. 1007.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1007.
3. That the attached Conference Committee Substitute for House Bill No. 1007, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ John T. Russell

/s/ Carl Bearden

/s/ Charles R. Gross

/s/ Brad Lager

/s/ Charlie Shields

/s/ Allen Icet

/s/ Wayne Goode

/s/ Jene~~e~~ Lowe

/s/ Pat Dougherty

/s/ Amber Boykins

Senator Russell 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 Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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 Russell, title to the bill was agreed to.

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

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

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HS** for **HB 1193**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS** for **HS** for **HB 1193** was again taken up.

Senator Loudon moved that **SCS** for **HS** for **HB 1193** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HS** for **HB 1193** was read the 3rd time and passed by the following vote:

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

NAYS—Senator Bland—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

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 adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1008** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1008**.

**CONFERENCE COMMITTEE REPORTS**

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1008** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008**

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1008 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 Substitute for House Committee Substitute for House Bill No. 1008.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1008.
3. That the attached Conference Committee Substitute for House Bill No. 1008, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ John T. Russell
- /s/ Charles R. Gross
- /s/ Charlie Shields
- /s/ Wayne Goode
- /s/ Pat Dougherty

FOR THE HOUSE:

- /s/ Carl Bearden
- /s/ Brad Lager
- /s/ Allen Icet
- /s/ Frank A. Barnitz
- /s/ Ed Wildberger

Senator Russell 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 Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1008**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

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 Russell, title to the bill was agreed to.

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1009** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1009

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1009 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 Substitute for House Committee Substitute for House Bill No. 1009.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1009.
3. That the attached Conference Committee Substitute for House Bill No. 1009, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Charles R. Gross

/s/ Charlie Shields

/s/ Wayne Goode

/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Brad Lager

/s/ Bryan P. Stevenson

/s/ Dan Ward

/s/ Tim Meadows

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

YEAS—Senators

Table with 4 columns of names: Bartle, Cauthorn, Coleman, Foster, Gross, Klindt, Quick, Steelman, Yeckel—33; Bray, Champion, Days, Gibbons, Jacob, Loudon, Russell, Stoll; Callahan, Childers, Dolan, Goode, Kennedy, Mathewson, Scott, Vogel; Caskey, Clemens, Dougherty, Griesheimer, Kinder, Nodler, Shields, Wheeler.

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

Table with 4 columns of names: Bartle, Cauthorn; Bray, Champion; Callahan, Childers; Caskey, 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 Bland—1

Absent—Senators—None

Absent with leave—Senators—None

Senator Bartle assumed the Chair.

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1010**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1010**

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010 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 Substitute for House Committee Substitute for House Bill No. 1010.

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1010.
3. That the attached Conference Committee Substitute for House Bill No. 1010, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ John T. Russell

/s/ Carl Bearden

/s/ Charles R. Gross

/s/ Brad Lager

/s/ Charlie Shields

/s/ Bryan P. Stevenson

/s/ Wayne Goode

/s/ Vicky Riback Wilson

/s/ Pat Dougherty

/s/ Connie L. Johnson

Senator Russell 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 Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1010**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1010**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and

the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

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 Russell, title to the bill was agreed to.

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

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

**HOUSE BILLS ON THIRD READING**

**HB 1070**, introduced by Representative Miller, et al, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to emergency preparedness plans for schools.

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

On motion of Senator Scott, **HB 1070** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HCS for HB 985**, entitled:

An Act to repeal sections 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, and 339.800, RSMo, and to enact in lieu thereof seventeen new sections relating to real estate agents, with penalty provisions.

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

On motion of Senator Childers, **HCS for HB 985** 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	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Klindt	Mathewson—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**HB 970**, introduced by Representative Portwood, et al, entitled:

An Act to repeal sections 332.171, 332.181, 332.261, 332.321, and 332.341, RSMo, and to enact in lieu thereof five new sections relating to dentists and dental hygienists.

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

On motion of Senator Shields, **HB 970** 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 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.

**HB 1187**, introduced by Representative Ervin, et al, entitled:

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands.

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

On motion of Senator Quick, **HB 1187** 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 Quick, title to the bill was agreed to.

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

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

**HB 1362**, introduced by Representative Hobbs, et al, entitled:

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

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

On motion of Senator Cauthorn, **HB 1362** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator 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.

**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 adopted the Conference Committee Report on **SCS for HS for HCS for HB 1011**, as amended, and has taken up and passed **CCS for SCS for HS for HCS for HB 1011**.

**CONFERENCE COMMITTEE REPORTS**

Senator Russell, on behalf of the conference

committee appointed to act with a like committee from the House on **SCS for HS for HCS for HB 1011**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1011

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011 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 Substitute for House Committee Substitute for House Bill No. 1011.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1011.
3. That the attached Conference Committee Substitute for House Bill No. 1011, be truly agreed to and finally passed.

FOR THE SENATE:      FOR THE HOUSE:

/s/ John T. Russell      /s/ Carl Bearden

/s/ Charles R. Gross      /s/ Brad Lager

/s/ Charlie Shields      /s/ Allen Icet

Wayne Goode      /s/ Marsha Campbell

Pat Dougherty      /s/ Sharon Sanders Brooks

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

Senator Jacob offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on **SCS for HS for HCS for HB 1011** and request the House to grant further

conference thereon, and that the Senate conferees be instructed to restore funding under the Medicaid fee-for-service and managed care programs for Medicaid coverage for adults with incomes that do not exceed 77% of the federal poverty level and to restore funding for general relief payments.

Senator Gross assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of his substitute motion and was joined in his request by Senators Bray, Caskey, Days and Quick.

Senator Jacob's substitute motion failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler—13			

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

Absent—Senators—None

Absent with leave—Senators—None

Senator Bartle assumed the Chair.

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

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

NAYS—Senators

Bland	Bray	Callahan	Caskey
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Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler—13			

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE  
FOR SENATE COMMITTEE SUBSTITUTE  
FOR HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

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

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

NAYS—Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler—13			

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Russell moved that the vote by which

the bill passed be reconsidered.

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

**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 adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1012**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1012**.

**CONFERENCE COMMITTEE REPORTS**

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1012**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1012**

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012 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 Substitute for House Committee Substitute for House Bill No. 1012.
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1012.
3. That the attached Conference Committee Substitute for House Bill No. 1012, be truly agreed to and finally passed.

**FOR THE SENATE:**

- /s/ John T. Russell
- /s/ Charles R. Gross
- /s/ Charlie Shields
- /s/ Wayne Goode
- /s/ Pat Dougherty

**FOR THE HOUSE:**

- /s/ Carl Bearden
- /s/ Brad Lager
- /s/ Bryan P. Stevenson
- Paul LeVota
- Margaret Donnelly

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

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Kennedy—7	

Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1012**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1012**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and

contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

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

## YEAS—Senators

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

## NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Kennedy	Wheeler—8

## Absent—Senators—None

## Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

## RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1902, regarding Kelly

Fitzsimmons, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1903, regarding the Barton County Relay for Life, which was adopted.

Senator Coleman offered Senate Resolution No. 1904, regarding Lieutenant Colonel Everett E. Page, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1905, regarding the Affton School District, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1906, regarding the Kirkwood R-VII School District, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1907, regarding the Parkway C-2 School District, Chesterfield, which was adopted.

Senator Gibbons offered Senate Resolution No. 1908, regarding the Rockwood R-VI School District, Eureka, which was adopted.

Senator Gibbons offered Senate Resolution No. 1909, regarding the Webster Groves School District, Webster Groves, which was adopted.

Senator Scott offered Senate Resolution No. 1910, regarding Ruth Elaine Weil, Butler, which was adopted.

Senator Yeckel offered Senate Resolution No. 1911, regarding the Affton 101 School District, St. Louis, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, Drew Richards, and Rod and Marcus Gorman, Rogersville.

Senator Mathewson introduced to the Senate, Jojo Carrillo, Wellington; Ronnie Reynolds, Terri Fagan and Richard Cole, Lexington; and Nina Bray, Higginsville.

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

SENATE CALENDAR

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SIXTY-SEVENTH DAY-FRIDAY, MAY 7, 2004

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FORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HB 1409-Dempsey, with SCS  
(Mathewson) (In Fiscal Oversight)
2. HS for HCS for HJRs 39, 38, 42 & 47-  
Engler (Steelman)
3. HCS for HB 1093 (Kinder)
4. HS for HCS for HB 1195-Behnen, with  
SCS (Yeckel)
5. HCS for HB 955 (Yeckel)
6. HB 1665-Hanaway, et al, with SCS (Scott)
7. HB 841-Angst, with SCS (Steelman)
8. HCS for HB 1277, with SCS (Steelman)
9. HCS for HBs 1286 & 1175, with SCS  
(Griesheimer)
10. HB 956-May (149)
11. HCS for HBs 1098 & 949
12. HS for HB 1599-Ervin, with SCS
13. HS for HCS for HB 1150-May,  
with SCS (Scott)
14. HS for HCS for HB 1433-Wood  
(Childers)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| SB 728-Steelman, with SCS                                     | SB 809-Klindt, with SCS, SS for SCS &<br>SA 2 (pending)                                       |
| SB 735-Foster, et al, with SCS                                | SB 817-Kennedy and Griesheimer, with SCS  |
| SBs 738 & 790-Loudon, with SCS &<br>SS for SCS (pending)      | SB 856-Loudon, with SCS, SS for SCS, SS<br>for SS for SCS, SA 2 & SSA 1 for SA 2<br>(pending) |
| SS for SS for SCS for SB 755-Shields                          | SB 906-Foster, with SCS, SS for SCS &<br>SA 2 (pending)                                       |
| SBs 774 & 915-Wheeler, with SCS                               |   |
| SB 787-Childers, with SCS, SA 1 & SSA 1<br>for SA 1 (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

# Unofficial

## HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)  
 HCS for HBs 946, 1106 & 952,  
 with SCS (Dolan)  
 HB 969-Cooper, et al, with SA 1  
 (pending) (Bartle)  
 HCS for HB 980, with SS (pending) (Klindt)  
 HCS for HB 1115 (Gross)  
 HCS for HB 1182, with SCS &  
 SS for SCS (pending) (Klindt)  
 HCS for HB 1209 (Kinder)  
 HS for HCS for HBs 1268 & 1211-Smith  
 (118), with SCS, SS for SCS & SS for  
 SS for SCS (pending) (Loudon)

HCS for HB 1278, with SCS (Loudon)  
 HCS for HB 1439 (Dolan)  
 HS for HCS for HB 1453-Hanaway,  
 with SCS (Shields)  
 HB 1493-Emery, et al, with SCS & SA 3  
 (pending) (Steelman)  
 HS for HCS for HB 1566-Stefanick, with  
 SCS, SS for SCS, SS for SS for SCS,  
 SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

## CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/13

HB 1377-Sutherland, et al (Griesheimer)

HB 1407-Mayer and Villa (Dolan)

HB 1398-Lager (Klindt)

HB 1494-Ervin (Quick)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HB 1614 (Steelman)

HCS for HBs 1529 & 1655 (Griesheimer)

HB 884-Ward (Loudon)

HCS for HB 1422 (Cauthorn)

HCS for HB 1233 (Griesheimer)

HCS for HB 1171 (Klindt)

HCS for HB 1090 (Quick)

HB 1259-Threlkeld (Griesheimer)

HB 1508-Baker (Bartle)

HCS for HB 1198 (Loudon)

HB 1444-Moore, et al (Vogel)

HB 1502-Wilson (42), et al (Wheeler)

HCS for HB 988 (Bartle)

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

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1405 (Callahan)

HCS for HB 1179 (Days)

HB 1114-Skaggs (Loudon)

HCS for HBs 1631 & 1623 (Champion)

HB 1167-Kelly (144), et al (Clemens)

HB 904-Luetkemeyer (Vogel)

HCS for HB 1284 (Dolan)

HB 1427-Portwood (Wheeler)

HCS for HB 912 (Goode)

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

HCS for HB 1449 (Vogel)

HB 869-Townley, et al (Caskey)

HB 1149-May, et al (Steelman)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 757-Shields, with HCA 1

SB 824-Griesheimer, with HCS

SB 884-Klindt, with HCS  
 SB 932-Loudon, with HS, as amended  
 SS for SCS for SB 960-Gibbons, with HCS,  
 as amended

SS for SCS for SB 1081-Kinder, et al,  
 with HS for HCS, as amended  
 SCS for SB 1091-Klindt, with HCS  
 SB 1242-Wheeler, with HCS

BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended  
 SS for SCS for SB 1099-Gibbons, with HS  
 for HCS, as amended  
 HCS for HBs 795, 972, 1128 & 1161, with  
 SS for SCS, as amended (Childers)  
 HCS for HB 959, with SCS, as amended  
 (Yeckel)

HS for HCS for HB 978-Baker, with SS,  
 as amended (Yeckel)  
 HCS for HB 1305, with SCS, as amended  
 (Scott)  
 HCS for HB 1617, with SSA 1 for SA 1  
 (Bartle)

Unofficial

Requests to Recede or Grant Conference

SCS#2 for SB 762-Champion, with HS for  
 HCS, as amended (Senate requests  
 House recede or grant conference)  
 SCS for SB 1106-Shields, with HCS  
 (Senate requests House recede or  
 grant conference)

HCS for HBs 1074 & 1129, with SCS  
 (Kinder) (House requests Senate  
 recede or grant conference)

Journal

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty  
 SCR 46-Gross  
 HCR 10-Myers (Klindt)  
 HCR 12-Kelly (36) (Mathewson)  
 SCR 51-Kinder and Jacob

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SCR 50-Shields  
 SCR 49-Nodler  
 SR 1877-Dougherty  
 HCR 21-Ruestman, et al, with SCS (Childers)