

# Journal of the Senate

FIRST REGULAR SESSION

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SIXTY-NINTH DAY—THURSDAY, MAY 12, 2005

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The Senate met pursuant to adjournment.

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He is before all things, and in him all things hold together.”  
(Colossians 1:17)

Gracious God, You are the creator of all that exist and what we accomplish pales before the glory we find in You. Help us, we pray, to be mindful that You are the creator and we are Your creation. Moreover, we pray, help us to live steadfast faithful lives, avoid temptations and make all our decisions according to Your intentions for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

## HOUSE BILLS ON THIRD READING

**HB 100**, with **SCS**, introduced by Representative Cunningham, et al, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

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

**SCS** for **HB 100**, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 100

An Act to repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **HB 100** be adopted.

Senator Dougherty offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Bill No. 100, Page 2, Section 197.200, Line 23, by inserting immediately after said line the following:

**“Section 1. To reduce the number of unintended pregnancies, the state of Missouri shall establish the “Missouri Family Planning Program” by fiscal year 2007 with an initial funding amount of five million dollars. The program shall be open to all qualified providers. Family planning shall include, but not be limited to: breast and cervical cancer checks; screening and treatment for sexually transmitted diseases (STDs); HIV screening; voluntary choice of contraception, including natural family planning; infertility management; patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy; education on sexual coercion and violence in relationships; and prenatal and other health care referrals.”; and**

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Wheeler and Wilson.

**SA 1** failed of adoption by the following vote:

**YEAS—Senators**

Bray	Coleman	Dougherty	Graham
Wheeler	Wilson—6		

**NAYS—Senators**

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Engler
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Scott	Stouffer	Taylor
Vogel—21			

**Absent—Senators**

Crowell	Dolan	Gibbons	Green
Ridgeway	Shields—6		

**Absent with leave—Senator Days—1**

**Vacancies—None**

Senator Cauthorn offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for House Bill No. 100, Page 1, In the Title, Line 3, by inserting immediately after the word “abortion” the following: “and alternatives to abortion services”; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line the following:

“188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**

(1) “Abortion”, the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) “Abortion facility”, a clinic, physician's office, or any other place or facility in which abortions are performed **or induced** other than a hospital;

(3) “**Alternatives to abortion agency” or “alternatives to abortion agencies”, an agency or agencies located in this state established and operating primarily to offer alternatives to abortion services, which does not perform, induce, or refer for abortions or hold itself out**

as performing, inducing, or referring for abortions, and which if it is a private agency is exempt from income taxation pursuant to the United States Internal Revenue Code of 1986, as amended. By way of example but not limitation, such agencies include maternity homes, pregnancy resource centers, and agencies commonly known and referred to as crisis pregnancy centers;

(4) “Alternatives to abortion services”, services or counseling offered to a pregnant woman to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption;

(5) “Commission”, the respect life commission;

(6) “Conception”, the fertilization of the ovum of a female by a sperm of a male;

(7) “Department”, the department of health and senior services;

[(4)] (8) “Gestational age”, length of pregnancy as measured from the first day of the woman's last menstrual period;

(9) “Medical emergency”, a condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;

[(5)] (10) “Physician”, any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (11) “Unborn child”, the offspring of human beings from the moment of conception until birth and at every stage of [its] his or her biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (12) “Viability”, that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.”; and

Further amend said bill, page 1, section 188.080, line 10, by inserting immediately after said line the following:

“188.300. 1. There is hereby established in the state treasury the “Alternatives to Abortion Support Fund”. The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, other state funds, grants, gifts, devises, bequests, settlements, awards, or from federal, state, or local sources; and

(4) Any other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

4. Moneys credited to and deposited in the alternatives to abortion support fund shall only be used for the purposes authorized pursuant to this section. None of the moneys in the fund shall be granted or given to any person who or entity which performs, induces, or refers for abortions or hold himself, herself, or itself out as performing, inducing, or referring for abortions.

5. Until the amount in the alternatives to

abortion support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

6. The alternatives to abortion support fund shall be used only to encourage childbirth over abortion and to support alternatives to abortion by grants to or contracts with:

- (1) Alternatives to abortion agencies; and
- (2) Other public and private agencies to provide alternatives to abortion services.

188.305. 1. There is hereby established the “Respect Life Commission” within the office of administration. The commission shall consist of a number of members equal to the number of congressional districts in the state, one from each congressional district, appointed by the governor with the advice and consent of the senate. Not more than half of the members if there is an even number of members and not more than a simple majority of the members if there is an odd number of members shall be from the same political party.

2. The members of the respect life commission shall serve four-year terms, except that of the initial appointments, half of the members if there is an even number of members and a simple majority of the members if there is an odd number of members shall be appointed for a term of four years and the remainder shall be appointed for a term of two years. Before the expiration of the term of a member, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a member for any cause, the governor shall make

an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the respect life commission, a person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for human life from the beginning of life until death, and the need to promote childbirth and to offer alternatives to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making appointments to the commission, the governor shall consider nominees recommended to the governor for appointment by pro-life organizations in this state. In giving its advice and consent for nominees to appointment to the commission, the senate shall assess the eligibility and qualifications of each nominee for appointment to the commission as provided by this subsection.

4. Any member may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard on his or her own behalf.

5. The respect life commission shall elect one of its members to serve as chairperson, and may elect such other officers and establish such committees as deemed necessary.

6. The respect life commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or by the commission. The office of administration shall provide all necessary office space, facilities, and equipment. The executive director may hire and set the compensation of such staff as is approved by the commission, within the limitations of appropriations for such purpose.

7. Each member of the respect life commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties.

8. The respect life commission shall exercise its powers and duties independently of the office of administration, and the office of administration shall not participate in or supervise any substantive matters relating to policies, regulative functions, or appeals from decisions of the commission. The commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law, and shall not in any manner interfere with the budget request of the commission or withhold any moneys appropriated to the commission by the general assembly.

9. The respect life commission shall meet at least quarterly.

10. The powers and duties of the respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards, and public and private agencies to determine the effectiveness of and need for alternatives to abortion services and effectiveness of and need for programs that foster respect for human life from the beginning of life until death;

(3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternatives to abortion services, and concerned with offering and promoting programs that foster respect for human life from the beginning

of life until death;

(4) To develop statewide educational and public informational campaigns, conferences, and workshops for the purpose of developing appropriate public awareness regarding:

(a) Respect for human life from the beginning of life until death; and

(b) The need to offer and promote alternatives to abortion services;

(5) To identify problems and conditions some pregnant women have and encounter that causes them to choose to have abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;

(6) To develop and operate an Internet web site;

(7) To recommend statutory changes and appropriations to promote alternatives to abortion services and to promote programs that foster respect for human life both from the beginning of life until death;

(8) To solicit and accept state funds, grants, gifts, devises, bequests, settlements, awards, or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state, or local sources; and

(9) To perform any other functions or duties consistent with the provisions of this section or otherwise required or permitted by law.

11. The respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives, and the governor before December 31 of each year.”; and

Further amend said bill, page 2, section 197.200, line 23, by inserting immediately after said line the following:

“301.3030. 1. Any person may receive

special license plates with words and an emblem that denotes the state's respect for human life from the beginning of life until death, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE" and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents that may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial

registration, is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund at a subsequent time of registration shall be issued new plates that are not respect life license plates, as otherwise provided by law.

6. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the vehicle owner. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director or by the respect life commission describing the license plates, the alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the alternatives to abortion support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section."; and

Further amend the title and enacting clause accordingly.

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

Senator Callahan offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 10, by inserting after all of said line the following:

188.325. 1. There is hereby established the

**“Missouri Alternatives to Abortion Services Program”** which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency. The alternatives to abortion services program shall consist of services or counseling to pregnant women and continuing for one year after birth to assist women in carrying their unborn children to term instead of having abortions, and to assist women in caring for their dependent children or placing their children for adoption.

**2. Services provided under the alternatives to abortion services program shall include, but not be limited to the following:**

- (1) Prenatal care;**
- (2) Medical and mental health care;**
- (3) Parenting skills;**
- (4) Drug and alcohol testing and treatment;**
- (5) Child care, and newborn and infant care;**
- (6) Housing and utilities;**
- (7) Educational services;**
- (8) Food, clothing, and supplies relating to pregnancy, newborn care, and parenting;**
- (9) Adoption assistance;**
- (10) Job training and placement;**
- (11) Establishing and promoting responsible paternity;**
- (12) Ultrasound services;**
- (13) Case management;**
- (14) Domestic abuse protection; and**
- (15) Transportation.**

**3. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by the agency or agencies administering the program. Services and counseling shall be available only during pregnancy and continuing for one year**

**after birth, and shall exclude any family planning services.**

**4. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion services program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives for abortion services program.**

**5. The alternatives to abortion services program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.**

**188.335. 1. There is hereby established the “Missouri Alternatives to Abortion Public Awareness Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency.**

**2. The agency or agencies by which the alternatives to abortion public awareness program is administered shall establish and implement an ongoing advertising campaign publicizing alternatives to abortion services within the state, including alternatives to abortion agencies within the state and the alternatives to abortion services program established pursuant to section 188.325. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspapers, magazines, and other print media, web sites, and the Internet. The agency or agencies administering the program may contract with professional advertising agencies or other professional entities to conduct such advertising**

campaign on behalf of the agency or agencies.

3. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion public awareness program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives to abortion public awareness program.

4. The alternatives to abortion public awareness program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations of affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

188.345. Twenty-five percent of the funds received by the state of Missouri from subsequent participating manufacturers that, after January 1, 2004, joined or will join the master settlement agreement defined in section 196.1000, shall be appropriated by the general assembly for the purpose of sections 188.325 to 188.335.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

Senator Loudon offered SSA 1 for SA 3:

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

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 10, by inserting after all of said line the following:

**188.325. 1. There is hereby established the “Missouri Alternatives to Abortion Services**

**Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency. The alternatives to abortion services program shall consist of services or counseling to pregnant women and continuing for one year after birth to assist women in carrying their unborn children to term instead of having abortions, and to assist women in caring for their dependent children or placing their children for adoption.**

**2. Services provided under the alternatives to abortion services program shall include and be limited to the following:**

- (1) Prenatal care;**
- (2) Medical and mental health care;**
- (3) Parenting skills;**
- (4) Drug and alcohol testing and treatment;**
- (5) Child care, and newborn and infant care;**
- (6) Housing and utilities;**
- (7) Educational services;**
- (8) Food, clothing, and supplies relating to pregnancy, newborn care, and parenting;**
- (9) Adoption assistance;**
- (10) Establishing and promoting responsible paternity;**
- (11) Ultrasound services;**
- (12) Case management;**
- (13) Domestic abuse protection; and**

**3. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by the agency or agencies administering the program. Services and counseling shall be available only during pregnancy and continuing for one year after birth, and shall exclude any family planning services.**

**4. The agency or agencies administering the**

program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion services program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives for abortion services program.

5. The alternatives to abortion services program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

188.335. 1. There is hereby established the “Missouri Alternatives to Abortion Public Awareness Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency.

2. The agency or agencies by which the alternatives to abortion public awareness program is administered shall establish and implement an ongoing advertising campaign publicizing alternatives to abortion services within the state, including alternatives to abortion agencies within the state and the alternatives to abortion services program established pursuant to section 188.325. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspapers, magazines, and other print media, web sites, and the Internet. The agency or agencies administering the program may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the agency or agencies.

3. The agency or agencies administering the program shall to the greatest extent possible

supplement and match moneys appropriated for the alternatives to abortion public awareness program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives to abortion public awareness program.

4. The alternatives to abortion public awareness program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

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

Senator Bray offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 100, Page 2, Section 197.200, Line 23, by inserting after all of said line the following:

“301.3135. 1. Any person may receive special license plates with words and an emblem that denotes support for choice, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund. Such license plates shall be called “Freedom=Choice”.

2. Freedom=choice license plates shall bear the words “Freedom=Choice” in place of the words “SHOW-ME STATE” and shall bear the image of two human figures holding hands.

Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri freedom=choice support fund. Upon the receipt of such contribution, payment of a fifteen dollar fee in addition to the regular registration fees, payment of the regular registration fees, and presentation of other documents that may be required by law, the director of revenue shall issue freedom=choice license plates to the vehicle owner.

4. There shall be no limit on the number of sets of freedom=choice license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of freedom=choice license plates.

5. A vehicle owner who was previously issued freedom=choice license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund at a subsequent time of registration shall be issued new plates that are not freedom=choice license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of freedom=choice license plates to all

offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri freedom=choice support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri freedom=choice support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the "Missouri Freedom=Choice Support Fund". The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards, or from federal, state, or local sources; and

(4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri freedom=choice support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri freedom=choice support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri freedom=choice support fund shall only be used for the purposes authorized

pursuant to this section or as otherwise provided by law.

**12. Until the amount in the Missouri freedom=choice support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.**

**13. The Missouri freedom=choice support fund shall be used to provide and promote family planning services by grants to, or contracts with, providers of family planning services in this state. The general assembly shall appropriate moneys from the freedom=choice support fund to providers of family planning services and pursuant to the provisions of this act. None of these funds appropriated herein may be used for abortion or counseling for abortion.**

**14. As used in this section, "family planning services" shall include, but not be limited to, the following services: breast exams for the early detection of breast cancer, Pap test for the detection of cervical cancer, gynecologic exams, testing and treatment of sexually transmitted infections, health screenings for high blood pressure and diabetes, pregnancy testing, nondirective pregnancy counseling, domestic violence and sexual abuse education, counseling and referral for mental health and substance abuse, contraceptive counseling and client-appropriate birth control methods, infertility management, and preconception counseling.";** and

Further amend the title and enacting clause accordingly.

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

Senator Wilson offered SA 5:

#### SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem

through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining to statutory rape.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards, consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:

(1) The basic content of the district's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's human sexuality instruction.

6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, prior to the use of such

materials in actual instruction.

**7. If any individual believes that the local school district is not complying with this section, such individual may request in writing to the state auditor that the local school district's curriculum on human sexuality be audited. If the state auditor finds that the local school district has violated this section, the audit finding shall be forwarded to the attorney general. If the attorney general agrees with the auditor's findings, the attorney general shall advise such school district that both the state auditor and attorney general have determined that the school district is not in compliance with the requirements of this section. Any school district which does not correct the deficiencies in its human sexuality curriculum to the satisfaction of both the state auditor and the attorney general in a timely matter shall be considered as having a negative result for purposes of meeting the objectives of any school improvement plan of the district.”; and**

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Loudon raised the point of order that SA 5 is out of order as it goes beyond the scope of the bill.

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

Senator Wheeler offered SA 6, which was read:

#### SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 8, by striking all of said line; and further amend line 9 by striking the words “performed or induced”.

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

President Kinder assumed the Chair.

Senator Bray offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Committee Substitute for House Bill No. 100, Pages 1-2, Section 197.200, Lines 5-7, by striking all of the bold-faced language from said lines.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Loudon, **HB 100**, with **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

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

**REPORTS OF STANDING COMMITTEES**

Senator Gibbons, 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:

Peter W. Goode, as a member of the Second State Capitol Commission;

Also,

Michael L. Nichols, O.D., as a member of the State Board of Optometry;

Also,

Dale H. Roberts, as State Supervisor of the Division of Alcohol and Tobacco Control;

Also,

Mary R. Cottom, as Executive Director of the Missouri Women's Council;

Also,

James D. Bollinger and Aaron L. Aitch, as

members of the Missouri Fire Safety Advisory Board;

Also,

Jay B. Knudtson and Claudette M. Scott, as members of the Missouri Community Service Commission;

Also,

Joncee L. Nodler, as a member of the Public School Retirement System of Missouri Board of Trustees;

Also,

K' Alice Breinig, R.N., as a member of the Missouri State Board of Nursing;

Also,

Trish E. Vincent, as a member of the Multi-State Tax Commission;

Also,

Debra L. Cochran, as a member of the State Board of Senior Services;

Also,

Chaim H. Zimbalist, as Secretary and a member, John J. Diehl, Jr., as Chairman and a member, of the Board of Election Commissioners for Saint Louis County;

Also,

Carolyn S. Pinegar, as a member of the Southwest Missouri State University Board of Governors;

Also,

Cynthia G. Thompson, as a member and Joseph D. Serrano, as Secretary and a member of the Kansas City Board of Election Commissioners;

Also,

Miller M. Leonard, as a member of the Public Defender Commission;

Also,

Hugh Scott, III, as a member of the Bi-State Development Agency of the Missouri-Illinois

Metropolitan District;

Also,

Bruce V. Work, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Thomas J. Held, as a member of the Citizen's Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Randall N. Angst, as a member of the Small Business Regulatory Fairness Board;

Also,

Kevin L. Rosenbohm, as a member of the Air Conservation Commission;

Also,

Ryan P. Doyle, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Gary L. Mallory, as a member of the Kansas City Area Transportation Authority;

Also,

Robert W. Mitchell, as a member of the Safe Drinking Water Commission;

Also,

Lawrence B. Giesing and William J. Humpfer, as members of the Credit Union Commission;

Also,

Charles L. Ray, as a member of the State Lottery Commission;

Also,

Toni R. Smith, D.O., as a member of the Advisory Commission for Anesthesiologist Assistants;

Also,

Edward R. Martin, Jr., as Chairperson and member, Clarence E. Dula and Angeletta M.

McCormick Franks, as members of the Board of Election Commissioners for Saint Louis City;

Also,

Annette E. Slack, J.D., R.N., as a member of the State Board of Health;

Also,

Anita K. Parran, as a member of the State Board of Pharmacy;

Also,

Phillip B. Sayer, as a member of the Missouri Fire Education Commission.

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

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

## MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

May 11, 2005

To the Senate of the 93rd General Assembly of the State of Missouri:

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

Sharad P. Parikh, M.D., 11634 West Florissant Avenue, Florissant, Saint Louis County, Missouri 63033, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Jacquelyn Garrett, term expired.

Derrick S. Standley, Republican, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; Rusty Brown, term expired.

Paul R. Schmidt, Sr., Republican, 2013 Treybrook Court, Imperial, Jefferson County, Missouri 63052, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, Robert Saunders, term expired.

Sam B. Cook, Democrat, 7 Upper Ladue Road, Ladue, Saint Louis County Missouri 63124, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, Michael Shanahan, resigned.

Randy L. Cole, 7519 Twin Lake Drive, Jefferson City, Cole County, Missouri 65101, as the Missouri State Fire Marshal, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Farr, resigned.

Florine Penrod, 1066 Autumn Oaks Drive, Imperial, Jefferson County, Missouri 63052, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Roger Folk, term expired.

H. John Visser, D.P.M., Democrat, 1028 Arlington Oaks Terrace, Town and Country, Saint Louis County, Missouri 63017, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2008 and until his successor is duly appointed and qualified; vice, Tracy Reed, withdrawn.

Richard H. Strecker, 2204 Julie Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Richard H. Strecker, withdrawn.

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Shelly R. Shetley, withdrawn.

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as Secretary and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Michael Lueken, term expired.

Respectfully submitted,  
MATT BLUNT  
Governor

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

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 10, 2005

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Nicole Cozean to the Missouri Board of Occupational Therapy, submitted on April 29, 2005. Line 4 should be amended as follows:

“and qualified; vice, Judy Phillips, term expired.”

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

**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 **SB 390**, as amended. Representatives: Pratt, Kraus, Wright (159), Whorton and Daus.

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 401**, entitled:

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 238**, entitled:

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to local sales tax to provide community services for children.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 450**, entitled:

An Act to authorize the sale of certain state property, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 422**, entitled:

An Act to repeal section 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840, & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 423**, entitled:

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 372**, entitled:

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 2**, entitled:

An Act to repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

With House Amendments 1, 2, 3 and 4.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after said line the following:

**“33.900. 1. As used in this section, the following terms shall mean:**

**(1) “Abortion services”, include performing, inducing, or assisting with abortions as defined in section 188.015, RSMo, or encouraging**

patients to have abortions, or referring patients for abortions, not necessary to save the life of the mother, or development or dispensing of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) “Health and social services program”, any activity, program, or the furnishing of services for the purpose of preventing, supporting, alleviating, ameliorating, treating, curing, or healing any human condition, illness, injury, or disability, or to safeguard the health of people and ensure the prevention of any type of disease, infection, or injury, the promotion of specific lifestyle, hygiene, and sanitary conditions, or to assist persons to provide for themselves and others and to assist those experiencing any social or physical condition or disadvantage, and including the furnishing of any sort of physical, health, medical, or dental assessment, care, counseling, education, or treatment, whether to individuals or groups of individuals; except that, health and social services programs shall not include a research project subject to the provisions of section 196.1127, RSMo;

(3) “Independent affiliate”, an entity that provides abortion services that is affiliated with an entity that does not provide abortion services, is separately incorporated from the entity that does not provide abortion services, does not receive or share a direct or indirect economic or marketing benefit from such affiliation with the entity that does not provide abortion services, and does not share any of the following with the entity that does not provide abortion services, regardless of whether reimbursement is made for any expenditures associated with sharing the following:

- (a) The same name or similar names;
- (b) Medical or nonmedical facilities, including but not limited to business offices, laboratories, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;

(d) Employee wages or salaries; or

(e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment, and office and medical supplies;

(4) “Nondirective pregnancy counseling”, counseling related to pregnancy that does not include abortion services, but may include providing patients with information regarding providers of health care and social service programs, or otherwise providing information required by federal law;

(5) “Public funds”, shall include:

(a) Any funds received or controlled by the state of Missouri or any official, department, division, agency, or political subdivision thereof, including but not limited to funds derived from federal, state, or local taxes, gifts or grants from any source, settlements of any claims or causes of action, public or private, bond proceeds, federal grants or payments, or intergovernmental transfers;

(b) Any funds received or controlled by any official, department, division, or agency of state government or political subdivision thereof, or granted or distributed to any other person or entity, pursuant to appropriation by the general assembly or the governing body of any political subdivision of this state.

2. Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed health and social services program to directly or indirectly subsidize abortion services. To ensure that support is not lent in any manner to abortion services, and to ensure that an entity that provides abortion services does not receive a direct or indirect economic or marketing benefit from public funds expended in connection with any health and social services program:

(1) Public funds shall not be expended, paid, or granted in connection with any health and social services program to an entity that

**provides abortion services;**

**(2) An entity that does not provide abortion services may receive public funds in connection with any health and social services program if affiliated with an entity that provides abortion services, only if the affiliated entity that provides abortion services is an independent affiliate;**

**(3) An entity that provides counseling to pregnant persons in connection with a health and social services program receiving public funds shall only provide nondirective pregnancy counseling unless otherwise required pursuant to subsection 3 of this section;**

**(4) An entity that receives public funds in connection with any health and social services program shall not display or distribute marketing materials promoting abortion services;**

**(5) An entity that receives public funds in connection with any health and social services program shall maintain financial records that demonstrate strict compliance with this subsection;**

**(6) An independent audit of any entity that receives public funds in connection with any health and social services program shall be conducted at least once every three years, or sooner if required by any other provision of law or if directed by the governmental entity expending, paying, or granting the public funds, to ensure compliance with this subsection. If the recipient of the public funds is an affiliate of an entity that provides abortion services, an independent audit to ensure compliance with this subsection shall be conducted at least annually. The audit shall be conducted by:**

**(a) The state auditor; or**

**(b) An independent auditing firm retained by the governmental entity expending, paying, or granting the public funds; or**

**(c) An independent auditing firm approved by the governmental entity expending, paying, or**

**granting the public funds and retained by the entity receiving public funds.**

**3. Notwithstanding the provisions of subsection 2 of this section, any entity:**

**(1) Eligible to receive reimbursements pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) may be reimbursed for services it has performed, for which the payment to such entity is otherwise prohibited pursuant to subsection 2 of this section, if reimbursement for such services is required pursuant to the federal act and the refusal to reimburse for such required services will result in the withholding of federal Medicaid funds to the state of Missouri. No state Medicaid plan shall be adopted by the state or submitted to the federal government that includes services that violate the provisions of subsection 2 of this section and are not mandated for state Medicaid plans by the federal Medicaid law, Title XIX of the Social Security Act, as amended;**

**(2) Receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required pursuant to the federal act, but otherwise prohibited pursuant to subsection 2 of this section if:**

**(a) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the organization; and**

**(b) Such order is final and no longer subject to appeal; and**

**(c) The refusal to perform such required services will result in the withholding of federal funds to said organization.**

**Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.”; and**

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

## HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after said line the following:

**"135.630. 1. As used in this section, the following terms shall mean:**

**(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;**

**(2) "Director", the director of the department of social services;**

**(3) "Pregnancy resource center", a nonresidential facility located in this state:**

**(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**

**(b) Where childbirths are not performed; and**

**(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and**

**(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and**

**(e) Which provides its services at no cost to its clients; and**

**(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;**

**(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related**

**provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;**

**(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.**

**2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.**

**3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.**

**4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a**

pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such

a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall apply to all tax years ending on or after December 31, 2008.

135.631. Taxpayers shall only be permitted to redeem tax credits they can claim under section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they were limited to a maximum amount during a specified time period and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed.”; and

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

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after all of said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human

immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) [Present] **Inform** students [with the latest] **that** medically [factual] **and personally relevant** information regarding [both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases] **contraception, abortion, and pregnancy may be available from their previously designated family practitioner under section 167.611, RSMo;**

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining to statutory rape.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards, consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:

(1) The basic content of the district's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's human sexuality instruction.

6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, **as well as provide the names of the instructors and the instructors' affiliations to any organizations involved with human sexuality instruction, at least one week prior to the use of such materials in actual instruction or presentations by such instructors.**

**7. No school district shall permit an entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if the entity provides abortion services, as defined in section 33.900, RSMo.**

**8. An entity that does not provide abortion services that is affiliated with an entity that provides abortion services may be permitted to offer, sponsor, or furnish course materials or instruction relating to human sexuality or sexually transmitted diseases, but only if the affiliated entity that provides abortion services is an independent affiliate, as defined in section**

**33.900, RSMo.**”; and

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

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 2, Section 188.015, Line 24, by inserting after all of said line the following:

“188.025. [Every] **No** abortion [performed at sixteen weeks gestational age or later] shall be performed **or induced except** in a **physician's office, outpatient clinic, ambulatory surgical center licensed pursuant to chapter 197, RSMo, or hospital licensed pursuant to chapter 197, RSMo.**”; and

Further amend said bill, Page 2, Section 188.075, Line 10, by inserting after all of said line the following:

“188.080. [Notwithstanding any other penalty provision in this chapter,] Any person who is not a [licensed] physician [as defined in section 188.015] who performs **or induces** or attempts to perform **or induce** an abortion on another [as defined in subdivision (1) of section 188.015,] is guilty of a class B felony, and, upon conviction, shall be punished as provided by law. Any physician performing **or inducing** an abortion who does not have [surgical] **clinical** privileges at a hospital which offers obstetrical or gynecological care **located within thirty miles of the location at which the abortion is performed or induced** shall be guilty of a class [B felony] **A misdemeanor**, and, upon conviction shall be punished as provided by law.”; and

Further amend said bill, Page 3, Section 188.250, Line 23, by inserting after all of said line the following:

“197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) “Ambulatory surgical center”, any public or private establishment operated primarily for the

purpose of performing surgical procedures or primarily for the purpose of performing childbirths **or any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month**, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

(2) “Dentist”, any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

(3) “Department”, the department of health and senior services;

(4) “Governmental unit”, any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) “Person”, any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) “Physician”, any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) “Podiatrist”, any person currently licensed to practice podiatry pursuant to chapter 330, RSMo.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS for SS for SCS for SB 287**, as amended, and has taken up and passed **CCS for HCS for SS for SCS for SB 287**.

Bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 500**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 500**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, with House Amendments Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 500;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, be Third Read and Finally Passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Michael R. Gibbons	/s/ Brad Lager
/s/ Norma Champion	/s/ Brad Roark
/s/ Delbert Scott	/s/ Scott Rupp
/s/ Rita Heard Days	/s/ Margaret Donnelly
/s/ Victor E. Callahan	/s/ John L. Bowman, Sr.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gibbons, **CCS** for **HCS** for **SCS** for **SB 500**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 500**

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof ten new sections relating to family cost participation in the Missouri Part C early intervention system, with an emergency clause.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler—31	

NAYS—Senators—None

Absent—Senators

Green	Koster	Wilson—3
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Absent with leave—Senators—None

Vacancies—None

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

### HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HB 100**, with **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SA 7** was again taken up.

Senator Ridgeway assumed the Chair.

At the request of Senator Loudon, **HB 100**, with **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

The following messages were received from

the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **Senate Substitute** as amended for **HCS HB 334** and request the Senate to recede from its position and take up and pass **HCS HB 334**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 420** and **344**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 297** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 420** and **344**, as amended: Senators Mayer, Koster, Crowell, Callahan and Days.

### PRIVILEGED MOTIONS

Senator Loudon moved that **SS** for **SCS** for **SB 2**, with **HCS**, as amended, be again taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SS** for **SCS** for **SB 2**, as amended, entitled:

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

An Act to repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof four

new sections relating to abortion, with penalty provisions.

Was taken up.

President Kinder assumed the Chair.

Senator Loudon moved that **HCS** for **SS** for **SCS** for **SB 2**, as amended, be adopted.

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

Senator Ridgeway assumed the Chair.

**CONFERENCE COMMITTEE REPORTS**

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS No. 2** for **SB 155** moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 155**

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155;
- 2. That the Senate recede from its position on Senate Committee Substitute No. 2 for Senate Bill No. 155;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, be Third Read and Finally Passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Robert N. Mayer	/s/ Gayle Kingery
/s/ Gary Nodler	/s/ Bryan T. Pratt
/s/ Kevin Engler	/s/ Therese Sander
/s/ Rita Heard Days	/s/ Margaret Donnelly
/s/ Maida J. Coleman	/s/ Rick Johnson

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SCS No. 2** for **SB 155**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 155**

An Act to repeal sections 210.117, 210.152, 210.710, 210.720, and 211.038, RSMo, and to enact in lieu thereof five sections relating to reporting of child abuse and neglect.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 210**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 210

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, with House Amendment Nos. 1, 4, House Amendment No. 5 as amended, House Amendment Nos. 6, 7, 8, 9, House Amendment No. 10 as amended, House Amendments 11, 12, House Amendment No. 13 as amended, House Amendment Nos. 14, 15, 16, House Amendment No. 17 as amended, House Amendment No. 18 as amended, House Amendment Nos. 19, 20, 21, 22, 23, 24, 25, 26, House Substitute Amendment No. 1 for House Amendment No. 27, House Amendment Nos. 28, 29, and 30, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 210;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ John E. Griesheimer	/s/ Robert Johnson
/s/ Larry Gene Taylor	Vicki Schneider
/s/ Jason Crowell	/s/ Todd Smith
/s/ Yvonne S. Wilson	/s/ Wes Wagner
Harry Kennedy	/s/ Trent Skaggs

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

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

Senator Griesheimer moved that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SCS** for **SB 210**, as amended, and request the House to grant further conference; and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Griesheimer requested unanimous consent of the Senate to allow the conferees on **HCS** for **SS** for **SCS** for **SB 210**, as amended, to meet while the Senate is in session, which request was denied.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 233**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2  
ON HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 233

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 233;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, be Third Read and Finally Passed.

<b>FOR THE SENATE:</b>	<b>FOR THE HOUSE:</b>
/s/ Bill Stouffer	/s/ Bob Nance
/s/ Jon Dolan	/s/ Rex Rector
/s/ Chris Koster	/s/ Neal St. Onge
/s/ Frank A. Barnitz	/s/ Joe Aull
/s/ Victor E. Callahan	/s/ Terry Swinger

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman Crowell—2

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Stouffer, **CCS No. 2** for **HCS** for **SCS** for **SB 233**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2  
FOR HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 233

An Act to amend chapter 227, RSMo, by adding thereto nine new sections relating to the designation of highways and bridges.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

## MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS No. 2** for **HB 568**, as amended. Representatives: Stevenson, Flook, Goodman, Meiners and Oxford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 420** and **344**, as amended. Representatives: Byrd, Pratt, Stevenson, Johnson (61), and Johnson (90).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 262**, as amended, entitled:

An Act to repeal sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, and to enact in lieu thereof seven new sections relating to Missouri wine, with penalty provisions.

With House Amendment 1, House Amendment 1 to House Amendment 2, House Amendment 2 as amended, House Amendments 3, 4 and 5.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.332, Page 12, Line 40 by inserting after all of said line the following:

**“5. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the original package to a charitable or religious organization as defined in section 313.005, RSMo, or educational institution for the sole**

**purpose of being auctioned by the organization or institution for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all proceeds from the sale go into a fund of an organization or institution that is unrelated to any licensed retail operation.”; and**

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

### HOUSE AMENDMENT NO. 1 TO

### HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.101, Page 1, Line 18 by inserting after the word **“intact.”** on said line the following:

**“3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:**

**(1) The bottle or bottles of wine must have been at least partially consumed at the winery;**

**(2) The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and**

**(3) The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.**

**4. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under subsection 3 of this section, shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery furnished, one-time-use, tamper-proof,**

**transparent bags with the seals intact.**

**5. As used in this section “winery” means any establishment at which wine is made.”;** and

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.082, Page 10, Line 42 by inserting after all of said line the following:

**“311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar, as defined in section 311.097, to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:**

- 1. (1) The patron must have ordered a meal;**
- (2) The bottle or bottles of wine must have been at least partially consumed during the meal;**
- (3) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and**
- (4) The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.**

**2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in subsection 1 of this section, in a vehicle, shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar furnished, one-time-use, tamper-proof, transparent bags with the seals**

**intact.”;** and

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

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 11, Section 311.104, Line 18, by inserting after all of said line the following:

“311.191. 1. As used herein, the term “vintage wine” means bottled domestic white, rose or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling or port wine which is not less than three years old.

2. Notwithstanding any other provisions of this chapter, any **municipality** or person legally owning, controlling or possessing a private collection of vintage wines in their original packages, including an executor, administrator, personal representative, guardian or conservator of an estate, sheriff, trustee in bankruptcy, or person appointed or authorized by a court to act upon or execute a court order or writ of execution with regard to the disposition of that vintage wine, is authorized to sell that vintage wine at auction on consignment through an auctioneer licensed herein. The auctioneer involved in such sale shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection.

3. The supervisor of liquor control is hereby authorized to issue a license to conduct auctions of vintage wine to any person licensed as an auctioneer pursuant to chapter 343, RSMo, and regularly conducting business as an auctioneer at a fixed location in this state within a city in a county of the first classification with a charter form of government; provided, however, that no such license to auction vintage wine may be issued to any person, or any entity controlled in whole or in part by a person, who:

(1) Has been convicted of a felony or of any offense under this chapter;

(2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause; or

(3) Has not been continuously in business in this state as an auctioneer for a period of ten years prior to making application for such license to auction vintage wine. The license to auction vintage wine shall be in addition to any license or permit requirements imposed by ordinance within the county or municipal jurisdictions in which the auctioneer conducts such business.

4. No auction of vintage wine may be conducted off the business premises of the auctioneer. No vintage wine sold at auction shall be consumed on the premises of the auctioneer, nor shall any original package of vintage wine be opened on such premises in the course of any such auction, except as provided herein. A license to conduct auctions of vintage wine shall be issued for a period of one year and shall authorize the auctioneer to conduct not more than six auctions of vintage wine during such year. The license shall be issued in such form and upon the completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be five hundred dollars per year.

5. A **municipality or** person legally owning, controlling or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to an auctioneer licensed pursuant to this act. Upon receipt of the vintage wine the auctioneer shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers at auction, and for the payment and transfer of any applicable state and local taxes in connection with the auction sale.

6. An auctioneer licensed to sell vintage wine

pursuant to this section may hold vintage wine tastings on the premises where an auction of such vintage wine is to be conducted within the period of twenty-four hours immediately preceding the commencement of the auction.

7. An auctioneer licensed pursuant to this section shall be subject to all restrictions, regulations and provisions of this chapter governing the acquisition, storage and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section.

8. An auctioneer who affixes a label to any bottle of vintage wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to cancellation of the license issued pursuant to subsection 3 of this section.

**311.193. 1. As used in this section, the term “vintage wine” means bottled domestic white, rose, or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling, or port wine which is not less than three years old.**

**2. Notwithstanding any other provisions of this chapter, any municipality legally owning, controlling or possessing a private collection of vintage wines in their original packages, is authorized to sell such vintage wine through a sealed bid process. The municipality may set a minimum bid and may reserve the right to reject all bids. The municipality shall designate a municipal employee to sell vintage wine through a sealed bid process who shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection.**

**3. The supervisor of liquor control is hereby authorized to issue a license to a**

designated municipal employee provided that no such license to sell vintage wine through a sealed bid process may be issued to any person, who:

(1) Has been convicted of a felony or of any offense under this chapter;

(2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause.

4. The license to sell vintage wine through a sealed bid process shall be in addition to any license or permit requirements imposed by ordinance within the county or municipality.

5. No vintage wine sold through the sealed bid process shall be consumed on the premises of the municipality, nor shall any original package of vintage wine be opened on such premises, except as provided herein. A license to sell vintage wine through a sealed bid process shall be issued for a period of one year and shall authorize the designated municipal employee to sell such wine not more than six different times during that year. The license shall be issued in such form and upon completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be fifty dollars per year which shall be paid by the municipality.

6. The municipality legally owning, controlling, or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to the designated municipal employee licensed pursuant to this section. Upon receipt of the vintage wine the designated municipal employee shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers, and for the payment and transfer of any applicable state and local taxes in connection with the sale.

7. The designated municipal employee licensed to sell vintage wine pursuant to this section may hold vintage wine tastings on the premises where the vintage wine is stored within the period of twenty-four hours immediately preceding the first date on which sealed bids will be accepted.

8. The designated municipal employee licensed pursuant to this section shall be subject to all restrictions, regulations, and provisions of this chapter governing the acquisition, storage, and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section.

9. A municipal employee designated by the municipality to sell vintage wine through a sealed bid process who affixes a label to any bottle of wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to a cancellation of the license issued pursuant to subsection 3 of this section.”; and

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

#### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 10, Section 311.082, Line 42, by inserting after all of said line the following:

"311.086. 1. As used in this section, the following terms mean:

(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified

in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

(2) "Entertainment district", any area located in a home rule city with more than four hundred thousand inhabitants and located in more than one county with a population of at least four thousand inhabitants that is located in the city's central business district which is the historic core locally known as the city's downtown area, that contains a combination of entertainment venues, bars, nightclubs, and restaurants, and that is designated a redevelopment area by the governing body of the city under the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060, RSMo;

(3) "Portable bar", any bar, table kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place;

(4) "Promotional association", an association incorporated in the State of Missouri which is organized or authorized by one or more property owners located within the entertainment district who own or otherwise control not less than one hundred thousand square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants, and other entertainment venues for the purpose of organizing and promoting activities within the entertainment district. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office, or retail uses, (other than bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels within the entertainment district shall not be used in the calculation of square footage.

2. Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by a promotional association who possesses the qualifications required by this chapter, and who meets the

requirements of and complies with the provisions of this chapter, may apply for and the supervisor of alcohol and tobacco control may issue an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district until 3:00 a.m. on Mondays through Saturdays and from 9:00 a.m. until 12 midnight on Sundays.

3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year.

4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments located in portions of the entertainment district designated by the promotional association with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association shall insure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

5. Every licensee within the entertainment district shall serve alcoholic beverages in containers that contain the licensee's trade

**name or logo or some other mark that is unique to that license.**

**6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area.”; and**

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

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.080, Page 8, Line 7 by inserting at the end of said line the following:

**“Such consent shall not be granted until at least ten days’ written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises.”; and**

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HCS** for **HB 209** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 209**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 462**, entitled:

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to receivership of certain sewer and water corporations, with an emergency clause.

With House Amendments 1, 2 and 3.

#### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 8, Section 393.146, Line 181, by inserting after all of said line the following:

**“432.070. No county, city, town, village, school township, school district or other municipal corporation shall make any contract, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the parties thereto, or their agents authorized by law and duly appointed and authorized in writing. Notwithstanding the foregoing, any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants which after January 1, 2003, has committed or agreed in writing to provide sewer service or has in fact directly or indirectly provided such service to any homes within a subdivision shall give its customers two years prior written notice of its intent to discontinue service and during such two-year period shall continue to connect and provide sanitary sewer service to all homes constructed in such subdivision. In no event shall any sewer service connected prior to the expiration of such two-year period be discontinued.”; and**

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

#### HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 1, Section A, Line 2 by inserting after said line the following:

**“8.255. 1. The director may authorize any agency of the state to establish standing contracts for the purpose of accomplishing construction,**

renovation, maintenance and repair projects not exceeding [twenty-five] **one hundred** thousand dollars. Such contracts shall be advertised and bid in the same manner as contracts for work which exceeds [twenty-five] **one hundred** thousand dollars, except that each contract shall allow for multiple projects, the cost of each of which does not exceed [twenty-five] **one hundred** thousand dollars. Each contract shall be of a stated duration and shall have a stated maximum total expenditure.

2. The director, with full documentation, shall have the authority to authorize any agency to contract for any design or construction, renovation, maintenance, or repair work which in his judgment can best be procured directly by such agency. The director shall establish, by rule, the procedures which the agencies must follow to procure contracts for design, construction, renovation, maintenance or repair work. Each agency which procures such contracts pursuant to a delegation shall file an annual report as required by rule. The director shall provide general supervision over the process. The director may establish procedures by which such contracts are to be procured, either generally or in accordance with each authorization.

3. The director, in his sole discretion, may with full documentation approve a recommendation from a project designer that a material, product or system within a specification for construction, renovation or repair work be designated by brand, trade name or individual mark, when it is determined to be in the best interest of the state. The specification may include a preestablished price for purchase of the material, product or system where required by the director.

8.260. All appropriations made by the general assembly amounting to [twenty-five] **one hundred** thousand dollars or more for the construction, renovation, or repair of facilities shall be expended in the following manner:

(1) The agency requesting payment shall provide the commissioner of administration with satisfactory evidence that a bona fide contract, procured in accordance with all applicable

procedures, exists for the work for which payment is requested;

(2) All requests for payment shall be approved by the architect or engineer registered to practice in the state of Missouri who designed the project or who has been assigned to oversee it;

(3) In order to guarantee completion of the contract, the agency or officer shall retain a portion of the contract value in accordance with the provisions of section 34.057, RSMo;

(4) A contractor may be paid for materials delivered to the site or to a storage facility approved by the director of the division of design and construction as having adequate safeguards against loss, theft or conversion.

In no case shall the amount contracted for exceed the amount appropriated by the general assembly for the purpose.

8.270. If the amount appropriated is less than [twenty-five] **one hundred** thousand dollars for constructing, renovating or for repairing, or for both building and repairing, no warrant shall be drawn on the state treasury payable out of the appropriation for any part thereof, until satisfactory evidence is furnished to the commissioner of administration that the work has been completed according to the contract, and not in excess of the amount appropriated therefor.”; and

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

#### HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 6, Section 393.146.1(1), Line 1, by inserting at the end of said line the following:

“and shall not include a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution, sewer districts established under the provisions of chapters 204, 249 or 250, RSMo, public water supply districts established under the

provisions of chapter 247, RSMo, or municipalities that own and operate water or sewer systems;”

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 343**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 343**.

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 adopted the Conference Committee Report on **SCS** for **HB 678**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 678**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 177** and has taken up and passed **CCS** for **HCS** for **SB 177**.

Bill ordered enrolled.

**PRIVILEGED MOTIONS**

Senator Kennedy moved that **SB 401**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 401**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 401**

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

Was taken up.

Senator Wilson requested that she be excused

from voting under the provisions of SR 91, which request was granted.

Senator Kennedy moved that **HCS** for **SB 401** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

Excused from voting—Senator Wilson—1

On motion of Senator Kennedy, **HCS** for **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

Excused from voting—Senator Wilson—1

The President declared the bill passed.

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

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

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

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 297** and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that **HCS** for **SCS** for **SB 238** be taken up for 3rd reading and final passage, which motion prevailed.

President Kinder assumed the Chair.

**HCS** for **SCS** for **SB 238**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 238

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to local sales tax to provide community services for children.

Was taken up.

Senator Gross moved that **HCS** for **SCS** for **SB 238** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, **HCS** for **SCS** for **SB 238** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**CONFERENCE COMMITTEE  
APPOINTMENTS**

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 297**: Senators Nodler, Gibbons, Clemens, Coleman and Wilson.

**PRIVILEGED MOTIONS**

Senator Dolan moved that **HCS** for **SCS** for **SB 450** be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 450**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 450

An Act to authorize the sale of certain state property, with an emergency clause.

Was taken up.

Senator Dolan moved that **HCS** for **SCS** for **SB 450** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Graham—3
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Absent with leave—Senators—None

Vacancies—None

On motion of Senator Dolan, **HCS** for **SCS** for **SB 450** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

Bill ordered enrolled.

Senator Bartle moved that **SB 422**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 422**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 422

An Act to repeal section 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840, & 843, ninety-

second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

Was taken up.

Senator Bartle moved that **HCS** for **SB 422** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, **HCS** for **SB 422** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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

Bill ordered enrolled.

Senator Bartle moved that **SCS** for **SB 423**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 423**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 423

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system, with penalty provisions.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SB 423** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, **HCS** for **SCS** for **SB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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

Bill ordered enrolled.

Senator Engler moved that **SCS** for **SB 372**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 372**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 372

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.

Was taken up.

Senator Engler moved that **HCS** for **SCS** for **SB 372** be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 372** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**CONFERENCE COMMITTEE REPORTS**

Senator Taylor, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 390**, with **HA 1** and **HA 3**, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 390**

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 390, with House Amendment No. 1 and House Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 390, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 390;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 390, be Third Read and Finally Passed.

FOR THE SENATE:

- /s/ Larry Gene Taylor
- /s/ Jon Dolan
- /s/ Bill Stouffer
- /s/ Victor E. Callahan
- /s/ Timothy P. Green

FOR THE HOUSE:

- /s/ Bryan Pratt
- /s/ Will Kraus
- /s/ Billy Pat Wright
- /s/ Jim Whorton
- /s/ Mike Daus

Senator Taylor moved that the above

conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Taylor, **CCS** for **SCS** for **SB 390**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 390**

An Act to repeal sections 301.567 and 301.700, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle dealers.

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

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**PRIVILEGED MOTIONS**

Senator Griesheimer moved that **SCS for SB 262**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SCS for SB 262**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 262

An Act to repeal sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, and to enact in lieu thereof seven new sections relating to Missouri wine, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **HCS for SCS for SB 262**, as amended, be adopted.

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

Senator Klindt moved that **SS for SCS for SB 462**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SS for SCS for SB 462**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and

to enact in lieu thereof two new sections relating to receivership of certain sewer and water corporations, with an emergency clause.

Was taken up.

Senator Klindt moved that **HCS for SS for SCS for SB 462**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Klindt, **HCS for SS for SCS for SB 462**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

NAYS—Senators			
Cauthorn	Champion	Purgason	Scott—4

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 262**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

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

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

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

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 262**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 262**, as amended, was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 262**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway

NAYS—Senators

Cauthorn	Champion	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—None

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

Bill ordered enrolled.

### CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 678**, moved that

the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 678

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 678 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 Bill No. 678;
2. That the House recede from its position on House Bill No. 678;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 678, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Matt Bartle /s/ Richard Byrd 94
/s/ Delbert Scott /s/ Jack A.L. Goodman 132
/s/ Chuck Purgason /s/ Tim Flook
/s/ Joan Bray /s/ John Bowman
/s/ Victor E. Callahan /s/ Rick Johnson

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

Table with 4 columns: YEAS—Senators, listing names like Alter, Barnitz, Bartle, Bray, Callahan, Cauthorn, Champion, Clemens, etc.

NAYS—Senators—None

Absent—Senator Taylor—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Bartle, CCS for SCS for SB 678, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 678

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, and 409.2-202, RSMo, and to enact in lieu thereof five new sections relating to corporations.

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

Table with 4 columns: YEAS—Senators, listing names like Alter, Barnitz, Bartle, Bray, Callahan, Cauthorn, Champion, Clemens, etc.

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—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 Shields 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 adopted **SCS** for **HCS** for **HB 47** and has taken up and passed **SCS** for **HCS** for **HB 47**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant the Senate a further conference on **HCS SS SCS SB 210, as amended**, and request the Senate to take up and pass the **CCR HCS SS SCS SB 210, as amended**, and further that the House conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 707** and has taken up and passed **SCS** for **HB 707**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee on **SCS** for **HCS** for **HB 297**. Representatives: Pearce, Hobbs, Wilson (130), Brooks and Lampe.

Senator Koster assumed the Chair.

**CONFERENCE COMMITTEE REPORTS**

Senator Griesheimer moved that the conference committee report on **HCS** for **SS** for **SCS** for **SB 210**, as amended, be taken up, which motion prevailed.

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

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Dolan
Engler	Gibbons	Griesheimer	Gross
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Taylor

Vogel                      Wheeler                      Wilson—23

NAYS—Senators

Alter	Barnitz	Bray	Days
Dougherty	Graham	Kennedy	Klindt
Purgason	Ridgeway—10		

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SS** for **SCS** for **SB 210**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 210

An Act to repeal sections 44.090, 50.333, 50.530, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 56.060, 56.631, 56.640, 56.650, 56.660, 59.005, 64.215, 64.940, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1754, 67.1775, 67.1850, 67.1922, 67.1934, 89.450, 94.270, 100.050, 100.059, 110.130, 110.150, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 140.160, 165.071, 190.010, 190.015, 190.090, 205.010, 210.860, 210.861, 233.295, 242.560, 245.205, 250.140, 263.245, 301.025, 321.120, 321.130, 321.190, 321.322, 321.603, 473.770, 473.771, 483.537, 488.426, 545.550, and 573.505, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, as enacted by conference committee substitute for senate

substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, are repealed and to enact in lieu thereof one hundred four new sections relating to political subdivisions.

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

## YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Dolan
Engler	Gibbons	Griesheimer	Gross
Koster	Loudon	Nodler	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—22		

## NAYS—Senators

Alter	Barnitz	Bray	Days
Dougherty	Graham	Green	Kennedy
Klindt	Mayer	Purgason	Ridgeway—12

Absent—Senators—None

Absent with leave—Senators—None

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

**HOUSE BILLS ON THIRD READING**

**HB 592**, introduced by Representative Cooper (120), entitled:

An Act to repeal section 313.813, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boats.

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

Senator Dolan offered **SS** for **HB 592**,

entitled:

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 592**

An Act to repeal sections 313.805, 313.812, 313.813, 313.820, 313.835, and 313.842, RSMo, and to enact in lieu thereof seven new sections relating to excursion gambling boats.

Senator Dolan moved that **SS** for **HB 592** be adopted.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 592, Page 28, Section 1, Line 13 by striking the word “one” and inserting in lieu thereof the word “two”.

Senator Klindt moved that the above amendment be adopted.

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

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR  
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for House Bill No. 592, Page 28, Section 1, Line 2 by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn.

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

At the request of Senator Dolan, **SS** for **HB 592** was withdrawn.

At the request of Senator Dolan, **HB 592** was placed on the Informal Calendar.

**CONCURRENT RESOLUTIONS**

Senator Koster moved that **HCR 15** be taken up for adoption, which motion prevailed.

On motion of Senator Koster, **HCR 15** was

adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Crowell	Dougherty	Green	Klindt—4
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Absent with leave—Senators—None

Vacancies—None

**HOUSE BILLS ON THIRD READING**

**HCS for HB 276**, entitled:

An Act to repeal sections 162.955, 162.959, and 162.961, RSMo, and to enact in lieu thereof three new sections relating to special educational services.

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

Senator Gross assumed the Chair.

On motion of Senator Nodler, **HCS for HB 276** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

Senator Nodler moved that **HCS for HB 972**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SS for SCS for HCS for HB 972** was again taken up.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 3, Section 565.024, Line 11-12, by striking the words “but less than twenty-four-hundredths of one percent”; and further amend lines 14-16 by striking all of said lines; and further amend lines 21-23 by striking all of said lines and inserting in lieu thereof the following: “**felony. For any violation of subsection 3 of this section, the**”.

Further amend the title and enacting clause accordingly.

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

At the request of Senator Nodler, **SS for SCS for HCS for HB 972**, as amended, was withdrawn.

Senator Nodler offered **SS No. 2 for SCS for HCS for HB 972**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 972

An Act to repeal sections 311.310, 565.024, 566.083, 568.05, 577.001, and 577.023, RSMo, and to enact in lieu thereof thirteen new sections relating to crime, with penalty provisions and an emergency clause for a certain section.

Senator Nodler moved that **SS No. 2** for **SCS** for **HCS** for **HB 972** be adopted.

Senator Graham raised the point of order that **SS No. 2** for **SCS** for **HCS** for **HB 972** is out of order as it goes beyond the scope of the original bill.

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

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 9, Section 311.310, Line 3, of said page, by inserting after all of said line the following:

**“3. It shall be a defense to prosecution under this section if:**

**(1) The defendant is a licensed retailer, club, drinking establishment, or caterer, or holds a temporary permit, or an employee thereof;**

**(2) The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and**

**(3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the**

**legal age for the consumption of intoxicating liquor.”.**

Senator Callahan moved that the above amendment be adopted.

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

Senator Graham offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 15, Section 577.001, Line 3, by inserting immediately after said line the following:

**“577.017. 1. No person, including the driver of the motor vehicle, shall consume [any] an alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] or possess an open alcoholic beverage container in the passenger area of a motor vehicle located on a highway or the right-of-way of a highway.**

**2. Any person found guilty of violating the provisions of this section is guilty of an infraction for which a fine not to exceed twenty-five dollars may be imposed.**

**3. Any infraction under this section shall not reflect on any records with the department of revenue.**

**4. The provisions of this section shall not apply to passengers in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. The provisions of this section shall also not apply to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.**

**5. “Alcoholic beverage” as used in this section includes all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains. The term alcoholic beverage**

includes beer and wine if they contain one-half of one percent or more of alcohol by volume. The term alcoholic beverage shall include “intoxicating liquor” as defined in section 311.020, RSMo, and “nonintoxicating beer” as defined in section 312.010, RSMo.

6. As used in this section, “passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment.

7. As used in this section, “open alcoholic beverage container” means any bottle, can or other receptacle which:

- (1) Contains any amount of alcoholic beverage, except for a receptacle that contains a de minimus amount or which is otherwise empty; and
  - (2) Is open or has a broken seal; or
  - (3) The contents are partially removed.”;
- and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Kennedy, Wheeler and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Kennedy	Wheeler	Wilson—7	

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Dougherty	Engler	Gibbons
Green	Griesheimer	Gross	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

Absent—Senator Koster—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Nodler, HCS for HB 972, with SCS and SS No. 2 for SCS (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SCS for SBs 420 and 344, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 420 & 344

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10 & 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 420 & 344;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Robert Mayer	/s/ Richard Byrd
/s/ Chris Koster	/s/ Bryan T. Pratt
/s/ Jason Crowell	/s/ Bryan P. Stevenson
/s/ Victor E. Callahan	/s/ Connie Johnson
/s/ Rita Heard Days	/s/ Rick Johnson

Senator Wilson, under the provisions of Senate Rule 91, was excused from voting.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Wilson—1

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SCS** for **SBs 420 and 344**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 420 & 344

An Act to repeal sections 105.711, 105.726, 210.117, 210.950, 211.038, 211.181, 238.216, 452.340, 455.516, 461.005, 472.060, 478.255, 478.550, 478.570, 478.600, 483.537, 486.200, 488.031, 488.445, 488.607, 488.5030, 494.430, 494.432, 516.130, 534.090, 545.550, and 570.123, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures and personnel, with a penalty provision.

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

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Excused from voting—Senator Wilson—1

The President declared the bill passed.

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

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

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

**HOUSE BILLS ON THIRD READING**

**HB 196**, with **SCS**, introduced by Representative Wildberger, et al, entitled:

An Act to repeal section 556.036, 569.040, and 569.050, RSMo, and to enact in lieu thereof three new sections relating to the statute of limitation for certain crimes, with penalty provisions.

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

**SCS** for **HB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 196

An Act to repeal sections 556.036 and 569.040, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitation for certain crimes, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **HB 196**

be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **HB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Callahan	Crowell	Green	Kennedy—4
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Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**HB 539**, with **SCS**, introduced by Representative Icet, et al, entitled:

An Act to repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salary incentives.

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

**SCS** for **HB 539**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 539

An Act to repeal sections 162.675, 162.725, 162.735, 162.740, 168.110, and 168.126, RSMo, and to enact in lieu thereof five new sections

relating to education.

Was taken up.

Senator Nodler moved that **SCS** for **HB 539** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 539, Page 1, Section A, Line 4, by inserting after all of said line the following:

**“162.432. 1. Notwithstanding any provision of law to the contrary, qualified voters who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition to annex the territory of such urban school district that is located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants to the adjoining seven-director school district located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred. The annexation and change in school boundaries shall conform to the city boundary lines in which the voters reside and the boundary lines of the adjoining seven-director school district.**

**2. Ten percent of the number of voters who voted in the last annual school board election and who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition the adjoining seven-director school district for annexation to that district and a change of school boundaries. The petition for annexation and boundary change shall define adequately the physical territory to be annexed.**

**3. Upon the submission of the petition to the school board secretary of the adjoining seven-**

director school district, the seven-director school district board shall have ninety days to act upon the petition. A majority vote by the seven-director school board shall be required to accept the petition for annexation and a change of school boundaries. Upon acceptance, an election shall be held in the territory petitioned for annexation and boundary change. The election shall be held within one year after the vote of acceptance by the seven-director school board. The secretary of the seven-director school district board shall notify the secretary of the urban school district board of the acceptance of the petition and the date of the election. The question may be submitted on a municipal election date, August primary date, or November general election date. The question shall be submitted in substantially the following form:

Shall the ..... (insert territory to be annexed) portion of the ..... (insert name of school district) school district be annexed to the ..... (insert name of school district) school district effective the ..... day of ....., .....

YES                       NO

The annexing seven-director school district shall incur the cost of the election. The voters in the territory subject to annexation and school boundary change shall decide the question by a majority vote of those who vote upon the question. If assent to the annexation and boundary change is given by the annexing territory, the annexation and boundary change shall go into effect the subsequent fifteenth day of June, at which time the school tax property levy in the annexed territory shall be set at the same rate as the school tax levy in the annexing seven-director school district.

4. The apportionment of property shall be governed by sections 162.031 and 162.041. The annexing seven-director school district, upon the annexation of the territory from the urban school district, shall possess the discretion to apportion the school property and facilities in

the annexed territory that are necessary to serve the educational needs of the residents in the annexed territory.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Nodler, **HB 539**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **HCS** for **HB 972**, with **SCS** and **SS No. 2** for **SCS** (pending) be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Bartle offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 6, Section 67.2552, Lines 6-10, by striking all of said lines from the bill; and

further amend said page, lines 19-22, by striking all of said lines from the bill; and

By renumbering the subsections accordingly.

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

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 11, Section 565.024, Line 5, by inserting immediately after said line the following:

“565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person:

- (1) Knowingly photographs or films another person, without the person’s knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in

a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer; or

(2) Knowingly disseminates or permit the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this subsection or in violation of section 565.253; **or**

**(3) Knowingly videotapes, films photographs, or otherwise records another person, without the person’s knowledge and consent, under the clothing being worn by such person for the purpose of viewing the body of, or the undergarments worn by, such person.**

2. Invasion of privacy in the first degree is a class D felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Nodler moved that **SS No. 2 for SCS for HCS for HB 972**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS No. 2 for SCS for HCS for HB 972**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—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 Shields 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 concurred in **SPA 1** and has taken up and passed **HCS for HB 630**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HCS for HB 515** and

has taken up and passed **SCS** for **HCS** for **HB 515**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 685** and has taken up and passed **SCS** for **HB 685**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 441** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 441**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 618** and has taken up and passed **SCS** for **HB 618**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 576** and has taken up and passed **HCS** for **HB 576**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HB 487** and has taken up and passed **SS** for **SCS** for **HB 487**, as amended.

## RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1477, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Woodrum, Lebanon, which was adopted.

Senator Gross offered Senate Resolution No. 1478, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald DeSplinter, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No.

1479, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Cullom, St. Charles, which was adopted.

Senator Engler offered Senate Resolution No. 1480, regarding Deborah Volner, which was adopted.

Senator Engler offered Senate Resolution No. 1481, regarding Nonna Freer, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1482, regarding Rita Francis, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1483, regarding Carol Weems, which was adopted.

Senator Engler offered Senate Resolution No. 1484, regarding Ann Farrell, which was adopted.

Senator Engler offered Senate Resolution No. 1485, regarding Sharon Laughman, which was adopted.

Senator Engler offered Senate Resolution No. 1486, regarding Beverly Herrell, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1487, regarding Neil Gunn, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1488, regarding Mary Ragsdale, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 1489, regarding Keith Mitchell, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 1490, regarding Judith Clark, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 1491, regarding Jane Bates, Farmington, which was adopted.

Senator Green offered Senate Resolution No. 1492, regarding Joseph E. Bredehoft, which was adopted.

Senator Shields offered Senate Resolution No.

1493, regarding Christina Hammond, Saint Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1494, regarding Dale Ellis, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1495, regarding Andrew Boyer, St. Joseph, which was adopted.

Senator Callahan offered Senate Resolution No. 1496, regarding Sylvia Schafer, Independence, which was adopted.

Senator Kennedy offered Senate Resolution No. 1497, regarding Christopher William Luecke, St. Louis, which was adopted.

Senator Callahan offered Senate Resolution No. 1498, regarding the Ninetieth Birthday of Annabelle Medley, Independence, which was adopted.

Senator Engler offered Senate Resolution No. 1499, regarding the future Mr. and Mrs. Seth Hennrich, which was adopted.

Senator Kennedy offered Senate Resolution No. 1500, regarding Kyle Tracy, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1501, regarding Willa “Dean” Arnold, Sullivan, which was adopted.

Senator Vogel offered Senate Resolution No. 1502, regarding Ronald W. Cates, Holts Summit, which was adopted.

Senator Alter offered Senate Resolution No. 1503, regarding Sean Michael Simowitz, Barnhart, which was adopted.

Senator Alter offered Senate Resolution No. 1504, regarding Jennifer Armon, Imperial, which was adopted.

Senator Alter offered Senate Resolution No. 1505, regarding Megan Vivian, Imperial, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1506, regarding Ryan Hager, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1507, regarding Shelda Johnson Underwood, Unionville, which was adopted.

Senator Green offered Senate Resolution No. 1508, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph O’Brien, which was adopted.

Senator Gibbons offered Senate Resolution No. 1509, regarding Benjamin L. “Ben” Steenrod, Webster Groves, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, the Physician of the Day, Dr. Daniel M. Goodenberger, M.D., St. Louis.

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

### SENATE CALENDAR

SEVENTIETH DAY—FRIDAY, MAY 13, 2005

### FORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SB 542-Callahan  
SB 326-Nodler, with SCS  
SB 417-Engler, et al

SB 466-Vogel, with SCS  
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

HB 789-Salva, et al (Engler)

HCS for HB 665, with SCS (Scott) (In  
Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan (In Fiscal  
Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS  
(pending)

SB 236-Klindt and Clemens  
SB 240-Scott

SB 12-Cauthorn and Klindt

SB 241-Scott

SB 29-Dolan, with SCS & SA 1 (pending)

SB 253-Koster, with SCS

SB 44-Wheeler and Bray, with SCS

SB 284-Cauthorn and Clemens, with SCS  
(pending)

SB 50-Taylor and Nodler, with SCS & SS  
for SCS (pending)

SB 291-Mayer, et al, with SCS & SS for  
SCS (pending)

SB 55-Klindt, with SCS & SS for SCS  
(pending)

SB 321-Shields

SB 64-Kennedy, with SCS

SB 324-Scott, with SCS

SB 90-Dougherty, with SCS

SB 339-Gross, with SCS

SB 93-Cauthorn, with SCS

SBs 365 & 204-Mayer, et al, with SCS  
(pending)

SB 152-Wilson, with SCS (pending)

SB 373-Bartle

SB 159-Cauthorn

SB 376-Loudon

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1  
to SA 1 (pending)

SB 393-Stouffer, with SCS

SB 199-Gross

SB 434-Cauthorn

SB 214-Scott, et al, with SCS

SB 470-Engler

SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)  
HCS#2 for HBs 94 & 185  
(Koster)

HB 100-Cunningham, et al, with SCS &  
SA 7 (pending) (Loudon)  
HCS for HB 108 (Shields)

HCS for HB 135, with SCS (Shields)	HCS for HB 498 (Koster)
HCS for HB 192, with SCS (Cauthorn)	HB 539-Icet, et al, with SCS & SA 1 (pending) (Nodler)
HCS for HB 208, with SCS (Crowell)	HB 564-Boykins, et al (Coleman)
HB 320-Muschany, et al, with SCS & SS for SCS (pending) (Nodler)	HB 592-Cooper (120) (Dolan)
HCS for HB 347, with SCS & SS for SCS (pending) (Dolan)	HB 596-Schaaf, with SA 1 (pending) (Shields)
HCS for HB 394, with SCS (Engler)	HCS for HB 606 (Kennedy)
HB 417-Yates, et al, with SCS (Loudon)	HB 832-Brooks, et al (Wilson)
HCS for HB 440 (Engler)	HCS for HB 863, with SCS & SS for SCS (pending) (Taylor)
HCS for HB 468, with SCS (Scott)	

### CONSENT CALENDAR

#### House Bills

Unofficial  
Reported 4/12

HCS for HB 119 (Stouffer)	HB 261-Deeken (Griesheimer)
HCS for HBs 163, 213 & 216 (Gross)	HB 323-Johnson (47) (Shields)
HB 219-Salva and Johnson (47) (Wheeler)	HB 473-Yates (Bartle)
HB 236-Goodman (Taylor)	HB 258-Cunningham (86) (Nodler)

Journal  
Reported 4/13

HB 33-Phillips (Shields)	HCS for HB 563 (Shields)
HB 455-Quinn, et al (Klindt)	HCS for HB 513 (Loudon)

#### Reported 4/14

HB 69-Rupp (Loudon)	HCS for HBs 462 & 463 (Shields)
HCS for HB 56 (Dolan)	HB 681-Chappelle-Nadal (Days)
HB 413-Hubbard, et al (Coleman)	HB 321-Yates (Bartle)

### SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 2-Loudon, with HCS, as  
amended

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as amended (Senate adopted CCR and passed CCS)

SS for SCS for SB 210-Griesheimer, with HCS, as amended (Senate adopted CCR and passed CCS)

SCS for SB 233-Stouffer, with HCS, as amended (Senate adopted CCR #2 and passed CCS #2)

SCS for SB 390-Taylor, with HA 1 & HA 3 (Senate adopted CCR and passed CCS)

SCS for SBs 420 & 344-Mayer, with HCS, as amended (Senate adopted CCR and passed CCS)

SCS for SB 500-Gibbons, et al, with HCS, as amended (Senate adopted CCR and passed CCS)

HCS for HB 58, with SS for SCS, as amended (Griesheimer)

HCS for HB 297, with SCS (Nodler)

HCS for HB 353, with SS for SCS, as amended (Bartle)

HCS#2 for HB 568, with SS, as amended (Nodler)

Requests to Recede or Grant Conference

SCS for SBs 221, 250 & 256-Dolan, with HCS, as amended (Senate requests House recede or grant conference)

HCS for HB 334, with SS, as amended (Crowell) (House requests Senate recede and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott

SCR 12-Koster

SCR 14-Purgason

HCR 11-Sander, et al (Stouffer)

HCR 9-Bivins, et al (Nodler)

HCR 20-Rupp, et al (Dolan)

HCS for HCR 24 (Coleman)

SR 901-Mayer, et al

SR 1193-Vogel, with SCA 1

HCR 23-Sutherland, et al (Mayer)