

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY—THURSDAY, MAY 1, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I’ve learned that you can’t give what you’ve never received. There’s no aquifer of love, there’s no distillery of faith within me, so I have to receive it.” (*Max Lucado*)

Loving Lord, it is only by Your grace that we can know You and come to experience Your love of us and it is for this that we are most thankful. We pray help us to open ourselves to Your love of others and freely give of ourselves to them so our service here and at home will be a witness of our love for You. And Lord help us be more loving and patient with those You have given us to love. 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

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2565, regarding James “Stan” Varner, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 2566, regarding Opal Richardson, Richmond, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2567, regarding Ashley Nicole Redding, Baring, which was adopted.

Senator Champion offered Senate Resolution No. 2568, regarding the One Hundred Fiftieth Anniversary of the Springfield Police Department, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2569, regarding Elizabeth Andrew, Warrensburg, which was adopted.

Senator Kennedy offered Senate Resolution No. 2570, regarding Ida Goodwin Woolfolk, which was adopted.

Senator Kennedy offered Senate Resolution No. 2571, regarding Sandra Murdock, which was adopted.

Senator Bray offered Senate Resolution No. 2572, regarding Brentwood High School in the Brentwood School District, Saint Louis County, which was adopted.

Senator Bray offered Senate Resolution No. 2573, regarding Evelyn E. Harris, University City, which was adopted.

Senator Mayer offered Senate Resolution No. 2574, regarding Landon Hall, Dexter, which was adopted.

Senator Koster offered Senate Resolution No. 2575, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Philip Eugene Young, Sr., Creighton, which was adopted.

Senator Scott offered Senate Resolution No. 2576, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Lance Hutton, Hermitage, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

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:

J. Gil Kennon, Sarah C. Tate, Kelly S. Walters, Billy D. Meyer, Gary M. Little and Leonard P. Toenjes, as members of the Missouri Workforce Investment Board;

Also,

Charles Kenneth McClure, as a member of the Second State Capitol Commission;

Also,

Charles Kenneth McClure, as a member of the Personnel Advisory Board;

Also,

Gordon L. Kinne, Republican, as a member of the Missouri Health Facilities Review Committee;

Also,

Timothy E. Schulte, Democrat, as a member of the Missouri Investment Trust Board of Trustees;

Also,

Joann M. Leykam, as a member of the Mental Health Commission;

Also,

Robert J. Kocher, Republican, as a member of the Elevator Safety Board;

Also,

Ryan P. Sanders, as student representative of the University of Central Missouri Board of Governors;

Also,

Bradley D. Gardner, as student representative of the Northwest Missouri State University Board of Regents;

Also,

Christopher T. Davidson, as student representative of the Linn State Technical College Board of Regents;

Also,

William C. Brinton, Jr., Democrat, as a member of the Missouri Emergency Response Commission;

Also,

Daniel K. Carr, Republican, as a member of the Missouri State Penitentiary Redevelopment Commission;

Also,

Karen Thornton, Republican, as a member of the Missouri Women's Council;

Also,

James H. Buford, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Charles H. Butler, Republican, as a member of the Missouri Horse Racing Commission;

Also,

Douglas M. Ommen, as a member of the Administrative Hearing Commission;

Also,

Jillian C. Harris, as a member of the Children's Trust Fund Board;

Also,

Gary L. Carver, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

James B. Lynch, as a member of the Peace Officer Standards and Training Commission;

Also,

Douglas A. Copeland, Republican, as a member of the Public Defender Commission;

Also,

Elizabeth M. Pierson, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Baughn T. Merideth, Sr., Democrat, as a member of the State Soil and Water Districts Commission;

Also,

Daniel K. Carr, Republican, as a member of the Missouri State Penitentiary Redevelopment Commission;

Also,

Lynthia B. Andrews, as a member of the State Advisory Council on Emergency Medical Services.

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.

Senator Champion, Chairman of the Committee on Seniors, Families and Public Health, submitted the following report:

Mr. President: Your Committee on Seniors, Families and Public Health, to which was referred **HCS** for **HB 1516**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 2041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 2034**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the following report:

Mr. President: Your Committee on Health and Mental Health, to which were referred **HCS** for **HB 1790**, **HB 1805** and **HCS** for **HB 1546**, begs leave to report that it has considered the same and

recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 2081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 1474**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, Senator Shields submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS No. 2 for HB 1463**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HBs 1549, 1771, 1395 and 2366**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1358**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS for HB 1722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 2191**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS for HB 2279**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred HCS for **HB 2393**, with SCS, begs leave to report that it has considered the same and recommends that the bill do pass.

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 recede from its position on HCS for **SB 841**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1068**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the pharmacy rebates fund.

With House Amendment Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 1068, Section A, Page 1, Lines 1-2 by inserting after all of said section the following:

“338.600. 1. Notwithstanding any other provision of law to the contrary, when an audit of the records of a pharmacy licensed in this state is conducted by a managed care company, insurance company, third-party payor, the department of insurance, financial institutions and professional registration, or any entity that represents such companies, groups, or department, such audit shall be conducted in accordance with the following:

(1) The entity conducting the initial on-site audit shall provide the pharmacy with notice at least one week prior to conducting the initial on-site audit for each audit cycle;

(2) Any audit which involves clinical judgment shall be conducted by or in consultation with a licensed pharmacist;

(3) Any clerical or recordkeeping error, such as a typographical error, scriveners error, or computer error, regarding a required document or record shall not in and of itself constitute fraud or grounds for recoupment. No claim arising under this subdivision shall be subject to criminal penalties without proof of intent to commit fraud;

(4) A pharmacy may use the records of a hospital, physician, or other authorized practitioner of the healing arts involving drugs or medicinal supplies written or transmitted by any means of communication for purposes of validating the pharmacy record with respect to orders or refills of a legend or narcotic drug. Electronically stored images of prescriptions, electronically created annotations and other related supporting documentation shall be considered valid prescription records. Hard copy and electronic signature logs that indicate the delivery of pharmacy services shall be considered valid proof of receipt of such services by a program enrollee;

(5) A finding of an overpayment or underpayment may be a projection based on the number of

patients served and having a similar diagnosis or on the number of similar orders or refills for similar drugs; except that, recoupment of claims shall be based on the actual overpayment or underpayment unless the projection for overpayment or underpayment is part of a settlement as agreed to by the pharmacy;

(6) Each pharmacy shall be audited under the same standards and parameters as other similarly situated pharmacies audited by the entity;

(7) A pharmacy shall be allowed at least thirty days following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit;

(8) The period covered by the audit shall not exceed a two-year period beginning two years prior to the initial date of the on-site portion of the audit unless otherwise provided by contractual agreement or if there has been a previous finding of fraud or as otherwise provided by state or federal law;

(9) An audit shall not be initiated or scheduled during the first three business days of any month due to the high volume of prescriptions filled during such time unless otherwise consented to by the pharmacy;

(10) The preliminary audit report shall be delivered to the pharmacy within one hundred twenty days after conclusion of the audit, with reasonable extensions permitted. A final audit report shall be delivered to the pharmacy within six months of receipt by the pharmacy of the preliminary audit report or final appeal, as provided for in subsection 3 of this section, whichever is later;

(11) Notwithstanding any other provision in this subsection, the entity conducting the audit shall not use the accounting practice of extrapolation in calculating recoupments or penalties for audits, except as otherwise authorized under subdivision (5) of this subsection.

2. Recoupments of any disputed moneys shall only occur after final internal disposition of the audit, including the appeals process set forth in subsection 3 of this section. Should the identified discrepancy for an individual audit exceed twenty five thousand dollars, future payments to the pharmacy in excess of twenty five thousand dollars may be withheld pending finalization of the audit.

3. Each entity conducting an audit shall establish an appeals process, lasting no longer than six months, under which a licensed pharmacy may appeal an unfavorable preliminary audit report to the entity. If, following such appeal, the entity finds that an unfavorable audit report or any portion thereof is unsubstantiated, the entity shall dismiss the audit report or such portion without the necessity of any further proceedings.

4. Each entity conducting an audit shall provide a copy of the final audit report, after completion of any appeal process, to the plan sponsor.

5. This section shall not apply to any audit conducted as a part of an investigation regarding alleged criminal wrongdoing, willful misrepresentation, or abuse.

6. This section shall not apply to any audit conducted as part of any inspection or investigation conducted by the board of pharmacy.”; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 1068, Section A, Page 1, Line 2, by inserting after all of said line the following:

“338.410. 1. Due to the difficulties of Fibromyalgia patients receiving pharmaceutical treatments there is hereby created within the department of health and senior services the “Missouri Fibromyalgia Awareness Initiative Program”. The primary target population for such program shall be women between twenty and sixty years of age.

2. The department shall appoint and convene the “Missouri Fibromyalgia Panel” to be comprised of individuals, who shall act in a voluntary capacity, with knowledge and expertise regarding fibromyalgia research, prevention, educational programs, and consumer needs, to guide program development. The panel shall seek and is authorized to accept private, federal, or other public financial support, grants, or other appropriate moneys to support the program. The department shall provide the panel and program necessary administrative services and support.

3. The panel shall have the following duties:

(1) In consultation with the National Fibromyalgia Association, to raise at least fifty thousand dollars through private funding for the purpose of establishing a public information and outreach campaign for issues related to fibromyalgia, including appropriate educational material to promote early diagnosis and treatment, prevention of complications, improvement of quality of life at home and in the workplace, and addressing mental health and disability issues of fibromyalgia patients; and

(2) To work with other state and local agencies to promote fibromyalgia education and training programs for physicians and other health professionals.

4. This section shall be implemented only to the extent that the panel obtains private funding for the purpose of this section.”; 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.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS, entitled:

An Act to repeal sections 135.950, 135.967, and 137.115, RSMo, and to enact in lieu thereof four new sections relating to enhanced enterprise zones.

Was taken up by Senator Shields.

SCS for HCS for HB 2393, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2393

An Act to repeal sections 135.950, 135.967, and 137.115, RSMo, and to enact in lieu thereof four new sections relating to enhanced enterprise zones.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 2393** be adopted.

Senator Shields offered **SS** for **SCS** for **HCS** for **HB 2393**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2393

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof three new sections relating to enhanced enterprise zones.

Senator Shields moved that **SS** for **SCS** for **HCS** for **HB 2393** be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of the Senate Substitute and the 3rd reading of the bill.

Senator Dempsey assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, In the Title, Line 4 of the title, by striking “enhanced enterprise zones” and inserting in lieu thereof the following: “state tax credit programs”; and

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

“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.

5. Information in letter ruling requests as described in section 620.014, RSMo, shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the title and scope of the bill.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by adding after said line the following:

“11. For the purpose of doing business in Missouri, the mega-project shall be pronounced ‘Bomb-Bomb-Away’.”

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 2** was withdrawn.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 19, Section 135.968, Line 23, by striking the word “and”; and further amend line 28, by inserting after the word “dollars” the following: “;

(5) A statement that any contract entered into by the taxpayer for the construction of the facility required under subdivision (2) of this section shall obligate any party contracting with the taxpayer, including subcontractors of any party contracting with the taxpayer, to pay no less than the prevailing hourly rate of wage, as such term is defined under section 290.210, RSMo, to all employees involved in such construction; and

(6) A statement that no less than eighty percent of contractors employed by the taxpayer for the construction of the facility required under subdivision (2) of this section shall be Missouri-based employers”.

Senator Green moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 3**.

Senator Bartle requested a division of the question on **SA 3**; asking that a vote first be taken on the subject matter of (5); and a second vote be taken on the subject matter of (6), which request was granted.

Senator Scott assumed the Chair.

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

Senator Dempsey assumed the Chair.

At the request of Senator Shields, **HCS** for **HB 2393**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to request that the Missouri Senate return to the House of Representatives **SS** for **SCS** for **SB 944**, relating to state auditor compensation for bond registration, for the sole purpose of reconsidering the vote on the emergency clause.

PRIVILEGED MOTIONS

Senator Engler moved that the Senate return to the House of Representatives, Truly Agreed To and Finally Passed **SS** for **SCS** for **SB 944** for the sole purpose of allowing the House to reconsider the vote on the emergency clause, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 2393**, 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 2393** was again taken up.

Senator Graham offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting after all of said line the following:

“Section B. The provisions of section A of this act shall not be effective until all of the capital projects at public colleges and universities receiving funds from the Lewis and Clark discovery fund, created under section 173.392, RSMo, are fully funded.”; and

Further amend the title accordingly.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 4.

Senator Graham requested a roll call vote be taken on the adoption of SA 4 and was joined in his request by Senators Green, Koster, Smith and Wilson.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Graham	Green	Kennedy	McKenna	Shoemyer
Smith—9							

NAYS—Senators

Bartle	Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler
Gibbons	Griesheimer	Justus	Koster	Lager	Loudon	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—24

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Shields offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly or indirectly, any elected public official of this state holding office as of January 1, 2008.”

Senator Shields moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 5, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly or indirectly:

(1) Any elected public official of this state holding office as of January 1, 2008;

(2) Any director, deputy director, division director, or employee directly involved in negotiations between the department of economic development and a taxpayer relative to the mega-project who was employed as of January 1, 2008, by the department.”.

Senator Shields moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 5 and SSA 1 for SA 5.

At the request of Senator Shields, SSA 1 for SA 5 was withdrawn.

Senator Shields offered SSA 2 for SA 5, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Notwithstanding any provision of this section to the contrary, no taxpayer who receives mega-project tax credits authorized under this section or any related taxpayer shall employ, within five years following approval of the mega-project by the department, directly:

(1) Any elected public official of this state holding office as of January 1, 2008;

(2) Any director, deputy director, division director, or employee directly involved in negotiations between the department of economic development and a taxpayer relative to the mega-project who was employed as of January 1, 2008, by the department.”.

Senator Shields moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SSA 2 for SA 5.

Senator Days offered SA 1 to SSA 2 for SA 5, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, Lines 6-7, by striking all of said line and inserting in lieu thereof the following:

“employ, prior to January 1, 2022, directly:”.

Senator Days moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 1 to SSA 2 for SA 5.

Senator Days moved that SA 1 to SSA 2 for SA 5 be adopted, which motion prevailed.

SSA 2 for SA 5, as amended, was again taken up.

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

Senator Smith offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 17, Section 135.968, Lines 3-4, by striking the following: “The department shall not approve any mega-project after December 31, 2008.”.

Senator Smith moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 6.

Senator Smith moved that SA 6 be adopted, which motion failed.

President Pro Tem Gibbons assumed the Chair.

Senator Callahan offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 18, Section 135.968, Line 25 of said page, by striking the word “general revenue fund” and inserting in lieu thereof the following: “**transportation interstate fund, established under section 226.740, RSMo,**”; and

Further amend said bill and section, page 19, line 11 of said page, by striking the word “general revenue fund” and inserting in lieu thereof the following: “**transportation interstate fund, established under section 226.740, RSMo,**”; and

Further amend said bill and section, page 22, line 26 of said page, by inserting immediately after said line the following:

“226.740. For the purposes of assisting in the reconstruction, rebuilding, construction, and conversion of Interstate 70, there is hereby created in the state treasury a fund known as the “State Transportation Interstate Fund”. Revenue derived from the repayment of tax credits required under the provisions of section 135.968, RSMo, shall be deposited in the state transportation interstate fund. The fund shall also receive all moneys which may be appropriated or otherwise credited to it by the general assembly and shall also receive any gifts, contributions, grants or bequests received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the state transportation interstate fund shall not revert to the General Revenue Fund. Interest accruing to the state transportation interstate fund shall be part of the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

Senator Shields raised the point of order that SA 7 is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Green offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 19, Section 135.968, Line 23, by striking the word “and”; and further amend line 28, by inserting after the word “dollars” the following: “;

(5) A statement that any contract entered into by the taxpayer for the construction of the facility required under subdivision (2) of this section shall obligate any party contracting with the taxpayer, including subcontractors of any party contracting with the taxpayer, to pay no less than the prevailing hourly rate of wage, as such term is defined under section 290.210, RSMo, to all employees involved in such construction;”.

Senator Green moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of SA 8.

Senator Green moved that SA 8 be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Callahan and Graham.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Days	Dempsey	Engler	Graham	Green
Justus	Kennedy	Koster	Loudon	Shoemyer—13			

NAYS—Senators

Bartle	Clemens	Crowell	Gibbons	Griesheimer	Lager	Mayer	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel	Wilson—16

Absent—Senators

Champion	Coleman	McKenna	Smith—4
----------	---------	---------	---------

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

Senator Callahan offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 26, by inserting immediately after all of said line the following:

“11. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall sunset automatically six years after the effective date of this section and no tax credits which have been previously

authorized for issuance, but not yet issued at such time, shall be issued unless the provisions of this section are reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall sunset automatically twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”.

Senator Callahan moved that the above amendment be adopted.

Senator Dempsey assumed the Chair.

Senator Callahan offered SSA 1 for SA 9:

SENATE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 1, In the Title, Line 4, by striking all of said line and inserting in lieu thereof the following: “taxation.”; and

Further amend said bill and page, section A, line 3 of said page, by inserting after all of said line the following:

“135.812. Other provisions of law to the contrary notwithstanding, no tax credit now or hereafter authorized under the laws of this state shall be issued after January 1, 2012.”; and

Further amend said bill, page 22, section 135.968, line 26 of said page, by inserting after all of said line the following:

“143.011. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

(1) If the Missouri taxable income is: The tax is:

Not over \$1,000.00	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess

	over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
Over \$9,000	\$315 plus 6% of excess over \$9,000

**(2) For all tax years beginning on or after January 1, 2012, if the Missouri taxable income is:
The tax is:**

Not over \$1,000.00	1% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 1 1/2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 2 1/2% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 3 1/2% of excess over \$5,000
Over \$6,000 but not over \$7,000	\$165 plus 4% of excess over \$6,000
Over \$7,000 but not over \$8,000	\$210 plus 4 1/2% of excess over \$7,000
Over \$8,000 but not over \$9,000	\$260 plus 5% of excess over \$8,000
Over \$9,000	\$315 plus 5 1/2% of excess over \$9,000"; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 9** and **SSA 1** for **SA 9**.

Senator Shields raised the point of order that **SSA 1** for **SA 9** is out of order as it goes beyond the scope and purpose of the bill.

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

SA 9 was again taken up.

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

Senator Graham offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 21, Section 135.968, Line 27, by inserting immediately after the word “department” the following: “**and the house and senate appropriations committees**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 10**.

Senator Graham moved that **SA 10** be adopted, which motion prevailed.

Senator Graham offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 22, Section 135.968, Line 19, by striking the word “ninety” and inserting in lieu thereof the following: “**one hundred eighty**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 11**.

Senator Graham moved that **SA 11** be adopted, which motion failed.

Senator Graham offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2393, Page 18, Section 135.968, Line 1, by striking the word “verifies” and inserting in lieu thereof the following: “**provides written proof**”.

Senator Graham moved that the above amendment be adopted.

Under the provisions of Senate Rule 91, Senator Goodman was excused from voting on the adoption of **SA 12**.

Senator Graham moved that **SA 12** be adopted, which motion failed.

Senator Smith requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HCS** for **HB 2393**,

as amended. He was joined in his request by Senators Callahan, Coleman, Crowell and Engler.

SS for SCS for HCS for HB 2393, as amended, was adopted by the following vote:

YEAS—Senators

Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler	Gibbons
Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Graham	Loudon	Purgason	Smith—8
---------	--------	------	----------	--------	--------	----------	---------

Absent—Senator McKenna—1

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

On motion of Senator Shields, **SS for SCS for HCS for HB 2393**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Champion	Clemens	Coleman	Crowell	Days	Dempsey	Engler	Gibbons
Green	Griesheimer	Justus	Kennedy	Koster	Lager	Mayer	Nodler
Ridgeway	Rupp	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson—24

NAYS—Senators

Barnitz	Bartle	Bray	Callahan	Graham	Loudon	Purgason	Smith—8
---------	--------	------	----------	--------	--------	----------	---------

Absent—Senator McKenna—1

Absent with leave—Senators—None

Excused from voting—Senator Goodman—1

Vacancies—None

The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

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

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

taken up and passed **HCS** for **SCS** for **SB 724**, entitled:

An Act to repeal sections 195.070, 195.100, 334.104, and 335.016, RSMo, and to enact in lieu thereof five new sections relating to nurses.

With House Amendment Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, Page 3, Section 334.104, Line 15, by inserting after the section number “**195.017, RSMo**” the following:

“; except that, the collaborative practice arrangement shall not delegate the authority to administer any controlled substances listed in schedules III, IV, and V of section 195.017, RSMo, for the purpose of inducing sedation or general anesthesia for therapeutic, diagnostic, or surgical procedures”; and

Further amend said bill, Page 4, Section 334.104, Line 64, by inserting after the word “pharmacy.” the following: **“Any rules relating to dispensing or distribution of controlled substances by prescription or prescription drug orders under this section shall be subject to the approval of the department of health and senior services and the state board of pharmacy.”;** and

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

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 724, the Title, Line 3, by deleting the word “nurses” and inserting in lieu thereof “controlled substances”; and

Further amend said Substitute, Section A, Page 1, Line 3 by inserting immediately after said Line the following:

“195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

- (f) Alphamethadol;
- (g) Alpha-methylfentanyl;
- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxidine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacetylmorphan;
- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;
- (jj) Morpheridine;
- (kk) MPPP;

- (ll) Noracymethadol;
- (mm) Norlevorphanol;
- (nn) Normethadone;
- (oo) Norpipanone;
- (pp) Para-fluorofentanyl;
- (qq) PEPAP;
- (rr) Phenadoxone;
- (ss) Phenampromide;
- (tt) Phenomorphan;
- (uu) Phenoperidine;
- (vv) Piritramide;
- (ww) Proheptazine;
- (xx) Properidine;
- (yy) Propiram;
- (zz) Racemoramide;
- (aaa) Thiofentanyl;
- (bbb) Tilidine;
- (ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine;
- (b) Acetyldihydrocodeine;
- (c) Benzylmorphine;
- (d) Codeine methylbromide;
- (e) Codeine-N-Oxide;
- (f) Cyprenorphine;
- (g) Desomorphine;
- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine[; (except Hydrochloride Salt)] (**except hydrochloride salt**);
- (k) Heroin;
- (l) Hydromorphanol;

- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine [methyl sulfonate] **methylsulfonate**;
- (q) Morphine-N-Oxide;
- (r) [Morphine] **Myrophine**;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) [4-bromo-2,5-dimethoxyamphetamine] **4-bromo-2, 5-dimethoxyamphetamine**;
- (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- (c) 2,5-dimethoxyamphetamine;
- (d) 2,5-dimethoxy-4-ethylamphetamine;
- (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- (f) 4-methoxyamphetamine;
- (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- (h) [4-methyl-2,5-dimethoxy amphetamine] **4-methyl-2, 5-dimethoxyamphetamine**;
- (i) 3,4-methylenedioxyamphetamine;
- (j) 3,4-methylenedioxymethamphetamine;
- (k) 3,4-methylenedioxy-N-ethylamphetamine;
- (l) [N-nydroxy-3, 4-methylenedioxyamphetamine] **N-hydroxy-3, 4-methylenedioxyamphetamine**;
- (m) 3,4,5-trimethoxyamphetamine;
- (n) Alpha-ethyltryptamine;
- (o) [Benzylpiperazine or B.P.] **Alpha-methyltryptamine**;
- (p) Bufotenine;
- (q) Diethyltryptamine;
- (r) Dimethyltryptamine;

(s) **5-methoxy-N,N-diisopropyltryptamine;**

(t) Ibogaine;

[(t)] (u) Lysergic acid diethylamide;

[(u)] (v) Marijuana[; (Marihuana)] **or marihuana;**

[(v)] (w) Mescaline;

[(w)] (x) Parahexyl;

[(x)] (y) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(y)] (z) N-ethyl-3-piperidyl benzilate;

[(z)] (aa) N-methyl-3-piperidyl benzilate;

[(aa)] (bb) Psilocybin;

[(bb)] (cc) Psilocyn;

[(cc)] (dd) **Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:**

a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;

b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;

c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;

d. Any compounds of these structures, regardless of numerical designation of atomic positions covered;

[(dd)] (ee) Ethylamine analog of phencyclidine;

[(ee)] (ff) Pyrrolidine analog of phencyclidine;

[(ff)] (gg) Thiophene analog of phencyclidine;

[(gg)] 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;]

(hh) [1-(1-(2-thienyl)cyclohexyl) pyrrolidine] **1-(1-(2-thienyl)cyclohexyl)pyrrolidine;**

(ii) *Salvia divinorum*;

(jj) Salvinorin A;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) [Gamma hydroxybutyric] **Gamma-hydroxybutyric acid;**

(b) Mecloqualone;

(c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Aminorex;

(b) **N-benzylpiperazine**

(c) Cathinone;

[(c)] (d) Fenethylamine;

[(d)] (e) Methcathinone;

[(e)] (f) [(+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)] (+,-)-**cis-4-methylaminorex ((+,-)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine)**;

[(f)] (g) N-ethylamphetamine;

[(g)] (h) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) [N-(1-benzyl-4-piperidyl)-N-phenylpropanamide] **N-(1-benzyl-4-piperidyl)-N-phenylpropanamide** (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers;

[(c) Alpha-Methyltryptamine, or (AMT);

(d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);]

(8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone,

and their respective salts but including the following:

- a. Raw opium;
- b. Opium extracts;
- c. Opium fluid;
- d. Powdered opium;
- e. Granulated opium;
- f. Tincture of opium;
- g. Codeine;
- h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;

- (e) Bulk [Dextropropoxyphene] **dextropropoxyphene**;
- (f) Carfentanil;
- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphaacetylmethadol;
- (m) Levomethorphan;
- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;
- (t) Pethidine (**meperidine**);
- (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) **Remifentanil**;
- (cc) Sufentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) **Lisdexamfetamine, its salts, isomers, and salts of its isomers**;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- [(c)] (d) Phenmetrazine and its salts;
- [(d)] (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;

(5) Any material[, compound] or compound which contains any quantity of nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- (b) Immediate precursors to phencyclidine (PCP):
 - a. 1-phenylcyclohexylamine;
 - b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;

b. [Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic

Act;]

[c.] Secobarbital;

[d.] **c.** Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

(d) Chlorhexadol;

(e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

[(e)] **(g)** Ketamine, its salts, isomers, and salts of isomers;

[(f)] **(h)** Lysergic acid;

[(g)] **(i)** Lysergic acid amide;

[(h)] **(j)** Methyprylon;

[(i)] **(k)** Sulfondiethylmethane;

[(j)] **(l)** Sulfonethylmethane;

[(k)] **(m)** Sulfonmethane;

[(l)] **(n)** Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or **not** more than ninety

milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, [and] corticosteroids, **and dehydroepiandrosterone**) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, **esters and ethers** [isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation]:

- (a) [Boldenone;
- (b) Chlorotestosterone (4-Chlortestosterone);
- (c) Clostebol;
- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-Dihydro-testosterone);
- (f) Drostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (Formebolone);
- (j) Mesterolone;
- (k) Methandienone;
- (l) Methandranone;
- (m) Methandriol;
- (n) Methandrostenolone;

- (o) Methenolone;
- (p) Methyltestosterone;
- (q) Mibolerone;
- (r) Nandrolone;
- (s) Norethandrolone;
- (t) Oxandrolone;
- (u) Oxymesterone;
- (v) Oxymetholone;
- (w) Stanolone;
- (x) Stanozolol;
- (y) Testolactone;
- (z) Testosterone;
- (aa) Trenbolone;
- (bb)] **3 β ,17-dihydroxy-5 α -androstan-3-one;**
- (b) 3 α ,17 β -dihydroxy-5 α -androstan-3-one;**
- (c) 5 α -androstan-3,17-dione;**
- (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androstan-1-ene);**
- (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androstan-1-ene);**
- (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);**
- (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);**
- (h) 1-androstenedione ([5 α]-androstan-1-en-3,17-dione);**
- (i) 4-androstenedione (androst-4-en-3,17-dione);**
- (j) 5-androstenedione (androst-5-en-3,17-dione);**
- (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
- (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);**
- (m) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
- (n) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);**
- (o) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);**
- (p) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androstan-1-en-3-one);**
- (q) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);**
- (r) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);**
- (s) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);**

- (t) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- (u) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- (v) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- (w) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- (x) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- (y) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- (z) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- (aa) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- (bb) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- (cc) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- (dd) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
- (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
- (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- (kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- (ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- (mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one)
(a.k.a. '17- α -methyl-1-testosterone');
- (nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- (oo) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- (pp) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- (qq) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- (rr) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);

- (yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- (zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrosta-4-en-3-one);
- (aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
- (bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androsta-2-eno[3,2-c]-pyrazole);
- (ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androsta-1-en-3-one);
- (ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- (eee) Testosterone (17 β -hydroxyandrosta-4-en-3-one);
- (fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- (ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);

(hhh) Any salt, ester, or [isomer] ether of a drug or substance described or listed in this subdivision, [if that salt, ester or isomer promotes muscle growth] except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. [Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol];

(8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

- (1) The substance has a low potential for abuse relative to substances in Schedule III;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene [(alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2-propionoxybutane)] (**alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane**);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbitol;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Dichloralphenazone;

(p) Estazolam;

(q) Ethchlorvynol;

(r) Ethinamate;

(s) Ethyl loflazepate;

(t) Fludiazepam;

(u) Flunitrazepam;

(v) Flurazepam;

- (w) Halazepam;
- (x) Haloxazolam;
- (y) Ketazolam;
- (z) Loprazolam;
- (aa) Lorazepam;
- (bb) Lormetazepam;
- (cc) Mebutamate;
- (dd) Medazepam;
- (ee) Meprobamate;
- (ff) Methohexital;
- (gg) Methylphenobarbital (**mephobarbital**);
- (hh) Midazolam;
- (ii) Nimetazepam;
- (jj) Nitrazepam;
- (kk) Nordiazepam;
- (ll) Oxazepam;
- (mm) Oxazolam;
- (nn) Paraldehyde;
- (oo) Petrichloral;
- (pp) Phenobarbital;
- (qq) Pinazepam;
- (rr) Prazepam;
- (ss) Quazepam;
- (tt) Temazepam;
- (uu) Tetrazepam;
- (vv) Triazolam;
- (ww) Zaleplon;
- (xx) Zolpidem;
- (yy) Zopiclone;**

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following

substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and chelates thereof;
- (i) Phentermine;
- (j) Pipradrol;
- (k) Sibutramine;
- (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

- (a) butorphanol;
- (b) pentazocine;

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts

calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, **intern pharmacist**, or registered pharmacy technician shall require any person, **prior to their** purchasing, receiving or otherwise acquiring such compound, mixture, or preparation[, who is not known to the pharmacist or registered pharmacy technician,] to furnish suitable photo identification **that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and** showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. [Within ninety days of the enactment of this section,] Pharmacists, **intern pharmacists**, and registered pharmacy technicians shall implement and maintain [a written or] **an** electronic log of each transaction. Such log shall include the following information:

- (1) The name [and], address, **and signature** of the purchaser;
- (2) The amount of the compound, mixture, or preparation purchased;
- (3) The date **and time** of each purchase; and
- (4) The name or initials of the pharmacist, **intern pharmacist**, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

[14.] **15.** [Within thirty days of the enactment of this section,] All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[15. Within thirty days of the enactment of this section, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substances registrant.]

16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417, shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.”; and

Further amend said Substitute, Section 195.100, Page 3, Line 25 by inserting immediately after said

Line the following:

“195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed in a pharmacy** pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than nine grams, **without regard to the number of transactions.**

3. **Within any twenty-four hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

- (1) The sole active ingredient; or**
- (2) One of the active ingredients of a combination drug; or**
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;**

in any total amount greater than three and six tenths grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

[4.] 5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation;

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to [any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors or to] the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for the dispensing of these

products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

[5. Persons selling and dispensing substances containing any detectable amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain logs, documents, and records as specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to maintain such logs, documents, and records. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

6.] **8.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substance registrant.

8.] **9.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

[9. The provisions of subsection 2 of this section limiting individuals from purchasing the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, no person shall purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided in subsection 2 of this section.]"; and

Further amend said Substitute, Section 335.019, Page 9, Line 20 by inserting immediately after said Line the following:

“Section B. The repeal and reenactment of sections 195.017 and 195.417 of this act shall become effective January 1, 2009.”; 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. 724, Page 1, In the Title, Line 2, by deleting “and 335.016” and inserting in lieu thereof the following: “, 335.016, and 335.076”; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word “five” and inserting in lieu thereof the word “six”; and

Further amend said bill, Page 1, Section A, Line 1, by deleting “and 335.016” and inserting in lieu thereof the following: “, 335.016, and 335.076”; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word “five” and inserting in lieu thereof the word “six”; and

Further amend said bill, Page 1, Section A, Line 3, by deleting “and 335.019” and inserting in lieu thereof the following: “, 335.019, and 335.076”; and

Further amend said bill, Page 9, Section 335.019, Line 20, by inserting after all of said line the following:

“335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title “Registered Professional Nurse” and the abbreviation “R.N.”. No other person shall use the title “Registered Professional Nurse” or the abbreviation “R.N.”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a registered professional nurse.

2. Any person who holds a license to practice practical nursing in this state may use the title “Licensed Practical Nurse” and the abbreviation “L.P.N.”. No other person shall use the title “Licensed Practical Nurse” or the abbreviation “L.P.N.”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed practical nurse.

3. Any person who holds a license or recognition to practice advanced practice nursing in this state may use the title “Advanced Practice Registered Nurse”, and the abbreviation “APRN”, and any other title designations appearing on his or her license. No other person shall use the title “Advanced Practice Registered Nurse” or the abbreviation “APRN”. No other person shall assume any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is an advanced practice registered nurse.

4. No person shall practice or offer to practice professional nursing, practical nursing, or advanced practice nursing in this state or use any title, sign, abbreviation, card, or device to indicate that such person is a practicing professional nurse, practical nurse, or advanced practice nurse unless he or she has been duly licensed under the provisions of this chapter.

5. In the interest of public safety and consumer awareness, it is unlawful for any person to use the title “nurse” in reference to himself or herself in any capacity, except individuals who are or have been licensed as a registered nurse, licensed practical nurse, or advanced practice registered nurse under this chapter.

6. Notwithstanding any law to the contrary, nothing in this chapter shall prohibit a [person listed as a] Christian Science nurse [in the Christian Science Journal published by the Christian Science Publishing Society, Boston, Massachusetts,] from using the title “Christian Science nurse”, so long as such person provides **only** religious nonmedical services when offering or providing **such** services to [a member of his or her own religious organization and does not hold his or her own religious organization] **those who choose to rely upon healing by spiritual means alone** and does not hold himself or herself out as a registered nurse, advanced practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

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

refuses to recede from its position on **HCS for SB 958** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HCS for HB 2188** and has taken up and passed **SCS for HCS for HB 2188**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SB 958**. Representatives: Schad, Sutherland, Hobbs, Walsh and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS for SB 841**, as amended. Representatives: St. Onge, Cooper (120), Wasson, Fallert and Meadows.

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 HB 2260**, entitled:

An Act to repeal sections 620.1039, and 620.1220, RSMo, and to enact in lieu thereof two new sections relating to tax credits for qualified research expenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 907**, entitled:

An Act to repeal sections 260.1003, 319.129, 319.131, 319.133, and 414.072, RSMo, and to enact in lieu thereof seven new sections relating to the regulation of motor fuel tanks and equipment.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 907, Section 260.1003, Page 2, Line 33 by inserting immediately after said Line the following:

“319.109. The department shall establish requirements for the reporting of any releases and corrective action taken in response to a release from an underground storage tank, including the specific quantity of a regulated substance, which if released, requires reporting and corrective action. In so doing, the department shall use risk-based corrective standards which take into account the level of risk to public health and the environment associated with site-specific conditions and future land usage. The hazardous waste management commission is authorized to promulgate rules to implement this section, in accordance with section 319.137. **By February 13, 2009, the hazardous waste management commission shall propose rules to implement the provisions of this section.** To the extent there is a conflict between this section and section 644.143, RSMo, or 644.026, RSMo, this section shall prevail.”; and

Further amend said Substitute, Section 319.129, Page 4, Lines 53-54 by deleting all of said Lines and inserting in lieu thereof the following:

“8. [All] The board of trustees shall be a type III agency and shall appoint an executive director and other employees as needed, who shall be state employees and be eligible for all corresponding benefits. The executive director shall have charge of the offices, operations, records, and other employees of the board, subject to the direction of the board. Employees of the board shall receive such salaries and necessary expenses as shall be fixed by the board.”; and

Further amend said Substitute, Section 319.131, Page 5, Line 13 by deleting the open bracket “[” in the first instance and the closed bracket “]” in the first instance; and

Further amend said Substitute, said Section, Page 7, Line 77 by deleting the word **“available”**; and

Further amend said Substitute, said Section, Page 8, Line 133 by inserting immediately after the word **“subsection”** the following:

“, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017”; and

Further amend said Substitute, said Section, Page 9, Line 144 by inserting immediately after the word **“subsection”** the following:

“, provided the creditor, who is a successor in interest as provided in subdivision (2) of subsection 3 of this section, is subject to no greater or lesser responsibility for corrective action than such successor in interest would have on or before December 31, 2017”; 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. 907, Page 1, Section A, Line 3 by inserting after said line the following:

“49.292. 1. Notwithstanding any other law to the contrary, the county commission of any county may reject the transfer of title of real property to the county by donation or dedication if the commission determines that such rejection is in the public interest of the county.

2. No transfer of title of real property to the county commission or any other political subdivision by donation or dedication authorized to be recorded in the office of the recorder of deeds shall be valid unless it has been proved or acknowledged. The preparer of the document relating to subsection 1 of this section shall not submit a document to the recorder of deeds for recording unless the acceptance thereof of the grantee named in the document has been proved or acknowledged. No water or sewer line easement shall be construed as a transfer of title of real property under this subsection.”; and

Further amend said bill, Page 12, Section 414.072, Line 13 by inserting after said line the following:

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

(1) “Transfer”, the sale, gift, conveyance, assignment, inheritance, or other transfer of ownership interest in real property located in this state;

(2) “Transfer fee”, a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer. Transfer fee shall not include the following:

(a) Any consideration payable by the grantee to the grantor for the interest in real property being transferred;

(b) Any commission payable to a licensed real estate broker for the transfer of real property under an agreement between the broker and the grantor or the grantee;

(c) Any interest, charges, fees, or other amounts payable by a borrower to a lender under a loan secured by a mortgage against real property, including but not limited to any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates, and any other consideration allowed by law and payable to the lender in connection with the loan;

(d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to a lessor under a lease, including but not limited to any fee payable to the lessor for consenting to an assignment, subletting, encumbrance, or transfer of the lease;

(e) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the property to another person;

(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority;

(3) “Transfer fee covenant”, a declaration or covenant purporting to affect real property which requires or purports to require the payment of a transfer fee to the declarant or other person specified in the declaration or covenant or to their successors or assigns upon a subsequent transfer of an interest in the real property.

2. A transfer fee covenant recorded in this state on or after September 1, 2008, shall not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee of any interest in real property as an equitable servitude or otherwise. Any lien purporting to secure the payment of a transfer fee under a transfer fee covenant recorded in this state on or after September 1, 2008, is void and unenforceable.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 830**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to combat veterans.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the Emergency Clause on Truly Agreed To and Finally Passed **SS** for **SCS** for **SB 944**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 839**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Purgason, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 931** 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. 931

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, as amended;
2. The Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 931;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 931, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Chuck Purgason

/s/ Dan Clemens

/s/ Jack A.L. Goodman

/s/ Frank A. Barnitz

/s/ Wes Shoemyer

FOR THE HOUSE:

/s/ Brian Munzlinger

/s/ Mike Dethrow

/s/ Donald Wells

/s/ Terry L. Witte

/s/ Joe Aull

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

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster

Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Callahan—1

Absent—Senators

Crowell	McKenna—2
---------	-----------

Absent with leave—Senator Bartle—1

Vacancies—None

On motion of Senator Purgason, **CCS** for **HCS** for **SS** for **SCS** for **SB 931**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 931**

An Act to repeal sections 135.800, 135.805, 142.028, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 278.070, 281.260, 340.337, 340.341, 340.375, 340.381, 340.384, 340.387, 340.390, 340.393, 340.396, 340.399, 340.402, 340.405, 348.430, 348.432, and 348.505, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the administration of agriculture incentives and programs.

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

YEAS—Senators

Barnitz	Bray	Champion	Clemens	Coleman	Days	Dempsey	Engler
Gibbons	Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster
Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—30		

NAYS—Senator Callahan—1

Absent—Senators

Crowell	McKenna—2
---------	-----------

Absent with leave—Senator Bartle—1

Vacancies—None

The President declared the bill passed.

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

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

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

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 958**: Senators Goodman, Stouffer, Clemens, McKenna and Justus.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 841**, as amended: Senators Stouffer, Clemens, Goodman, Shoemyer and Callahan.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 1, 2008

TO THE SECRETARY OF THE SENATE

94TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Bill No. 1066 entitled:

AN ACT

To repeal sections 160.254, 160.530, and 168.021, RSMo, and to enact in lieu thereof four new sections relating solely to teacher certification. On May 1, 2008 I approved said Senate Bill No. 1066.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 1, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James R. Tweedy, Democrat, 1000 South Prairie, Bloomfield, Stoddard County, Missouri 63825, as a member of the Missouri Ethics Commission, for a term ending March 15, 2012, and until his successor is duly appointed and qualified; vice, Michael J. Schmid, withdrawn.

Respectfully submitted,

MATT BLUNT

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

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 23, Page 743 of the Senate Journal for Monday, April 7, 2008, Line 29 of said page, by striking the word “third” and inserting in lieu thereof the following: “**fourth**”.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 30

WHEREAS, competition in the voice communications industry is developing rapidly and is widespread in the State of Missouri; and

WHEREAS, Missouri law governing the telecommunications industry must evolve to meet the needs of Missouri consumers; and

WHEREAS, consumer choice in voice communications is available through the traditional wireline, wireless, cable, and interconnected voice over Internet protocol industries; and

WHEREAS, the methodology by which carriers are compensated for the use of their network is, by its nature, complex, detailed, and inter-related to numerous other economic forces; and

WHEREAS, the need to make equitable changes in the inter-carrier compensation regime will require a comprehensive, holistic, and deliberate approach to reform; and

WHEREAS, due to the complex nature of inter-carrier compensation, comprehensive study and discussion is required; and

WHEREAS, pricing of voice telecommunications services is important to promote competition for the long-term benefit of consumers; and

WHEREAS, a forum for review and discussion between these very competitive industries will aid in addressing the concerns of both the industry and consumers:

NOW THEREFORE BE IT RESOLVED by the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, that to ensure that thoughtful and necessary changes to the regulation of voice communications in Missouri and the need to protect Missouri consumers and provide them with more communications choices, the General Assembly must endeavor to comprehensively study further the matters detailed herein; and

BE IT FURTHER RESOLVED that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby establish a Joint Interim Committee on Voice Communications Regulation to be composed of ten members, five of which shall be from the House of Representatives with three appointed by the Speaker of the House and two appointed by the Minority Floor Leader of the House, and five members shall be from the Senate with three appointed by the President Pro Tem of the Senate and two appointed by the Minority Floor Leader of the Senate; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the Second Regular Session of the Ninety-fourth General Assembly through January 15, 2009, of the First Regular Session of the Ninety-fifth General Assembly to study the following:

(1) The need to make changes to the inter-carrier compensation system wherein voice communications providers exchange traffic on other provider's networks; and

(2) The issue of whether market-based pricing exists in the voice telecommunications industry, and any recommended action to be taken by the General Assembly, if any; and

(3) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the Joint Interim Committee shall prepare a final report, together with its recommendations for any legislative action deemed necessary for submission to the General Assembly by January 15, 2009; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, consumer advocates, political subdivisions of this State, and the general public; and

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

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the United States Secretary of Defense, the Secretary of the Air Force, and each member of the Missouri Congressional delegation.

Senator Nodler, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2016**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2023**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Abriana Francis Andrews, her mother, Crystal Dawn

Adamson and her sister, Michelle LeAnn Andrews, Seneca; and Kathryn Ann Watson and Heather Lynn Lesmeister.

Senator Dempsey introduced to the Senate, seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Crowell introduced to the Senate, students from Eagle Ridge Christian School and fourth grade students from Franklin Elementary School, Cape Girardeau.

Senator Barnitz introduced to the Senate, Miss Glader, Miss Lansford, Miss Brown and sixty-three fourth grade students from Maries County R-II School, Belle.

Senator Bartle introduced to the Senate, fourth grade students from Underwood and Mason Elementary Schools, Lee's Summit.

Senator Barnitz introduced to the Senate, Alice Ruth Bremer, Bourbon; her daughter, Monica Sagehorn, Cuba; and Mary D. Heywood, Bourbon.

Senator Bartle introduced to the Senate, Marge Caffey, Lee's Summit.

Senator Ridgeway introduced to the Senate, Clifford Whittaker and his daughter, Barbara; and Chris Whittaker, Clay County.

Senator Koster introduced to the Senate, Sheriff Ron Peckman, Richard Peckman and William and Marie Cox, Vernon County.

Senator Griesheimer introduced to the Senate, Jean Hines, Sullivan.

Senator Lager introduced to the Senate, Laurel Lee Burton, Clarksdale.

Senator Engler introduced to the Senate, seventh grade students from Sunrise School, Jefferson County.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Christopher Best, M.D., Kansas City.

On motion of Senator Shields, the Senate adjourned until 2:00 p.m., Monday, May 5, 2008.

SENATE CALENDAR

SIXTY-SECOND DAY—MONDAY, MAY 5, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens
(In Fiscal Oversight)

SCS for SB 1170-Mayer

HOUSE BILLS ON THIRD READING

1. HB 1532-Davis, with SCS (Rupp)
2. HCS for HB 1393 (Ridgeway)
3. HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)
4. HCS for HB 1550 (Dempsey)
(In Fiscal Oversight)
5. HB 1923-Jones (117) and Pratt
(Barnitz) (In Fiscal Oversight)
6. HCS for HB 1904, with SCS (Goodman)
7. HCS for HB 1516, with SCS (Goodman)
8. HCS for HB 2041, with SCS (Scott)
9. HCS for HB 2034, with SCS (Engler)
10. HCS for HB 1790, HB 1805 & HCS for
HB 1546, with SCS (Shields)
11. HB 2081-Dougherty, with SCS
12. HCS for HB 1474 (Scott)
13. HCS#2 for HB 1463, with SCS
14. HCS for HBs 1549, 1771, 1395 & 2366
(Rupp)
15. HB 1358-Flook, et al (Ridgeway)
16. HCS for HB 1722, with SCS (Mayer)
17. HB 2191-Nasheed, et al, with SCS
(Coleman)
18. HCS for HB 2279, with SCS (Engler)
19. HCS for HB 2016 (Nodler)
20. HCS for HB 2023, with SCS (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 712 & 882-Gibbons and Rupp, with SCS | SB 861-Shoemyer, with SCS |
| SB 713-Gibbons, with SCS | SB 874-Graham, with SCS |
| SB 716-Loudon, et al | SB 877-Mayer |
| SB 717-Kennedy and Shields | SB 881-Green |
| SB 729-Griesheimer, with SCS | SB 904-Griesheimer, with SCS |
| SB 749-Ridgeway, with SCS | SBs 909, 954, 934 & 1003-Engler, with SCS |
| SB 756-Engler and Rupp, with SCS (pending) | SB 915-Ridgeway |
| SB 776-Justus and Koster, with SCS | SB 917-Goodman, et al |
| SB 809-Stouffer, with SCS, SS for SCS &
SA 1 (pending) | SB 929-Green and Callahan, with SCS |
| SB 811-Stouffer, with SCS, SA 1 & point
of order (pending) | SB 957-Goodman |
| SB 815-Goodman | SBs 982, 834 & 819-Purgason, with SCS |
| SB 821-Shoemyer, with SCS (pending) | SB 990-Champion |
| SBs 840 & 857-Engler, with SCS & SS for
SCS (pending) | SBs 993 & 770-Crowell, with SCS, SS for
SCS, SA 4 & SSA 1 for SA 4 (pending) |
| | SB 996-Crowell, with SCS |
| | SB 997-Crowell |

SB 1000-Justus	SB 1101-Bray, et al
SB 1007-Loudon, with SA 2 (pending)	SB 1103-Gibbons
SBs 1021 & 870-Loudon, et al, with SCS, SS for SCS & SA 2 (pending)	SB 1138-McKenna, with SCS
SB 1035-Scott, with SCS	SB 1158-Mayer, with SCS
SB 1046-Mayer, with SA 1 & SSA 1 for SA 1 (pending)	SB 1164-Loudon
SB 1052-Rupp	SB 1180-Crowell
SB 1054-Dempsey, with SCS	SB 1183-Bray, with SCS
SB 1057-Scott, with SCS	SB 1194-Goodman
SB 1058-Mayer	SB 1197-Crowell
SB 1067-Ridgeway, et al	SBs 1234 & 1270-Shields, with SCS & SS#2 for SCS (pending)
SB 1077-Goodman, with SS (pending)	SB 1240-Dempsey
SB 1093-Loudon, et al	SB 1244-Barnitz and Purgason
SB 1094-Loudon, with SCS	SB 1275-Vogel
SB 1099-Graham, with SA 1 (pending)	SB 1278-Shields
	SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)	HCS for HBs 1876 & 1877, with SCS (Mayer)
HB 1384 & HB 2157-Cox, et al, with SCS (Gibbons)	HB 1937-Pearce, et al, with SCS (Scott)
HB 1617-Cunningham (86), et al (Dempsey)	HB 1973-Franz, with SCS (Engler)
HB 1656-Nance and Cooper (155), with SCS (Stouffer)	HB 1983-Pratt, with SCS (Goodman)
HB 1661-LeVota, et al (Ridgeway)	HCS for HB 2068 (Scott)
HB 1711-Weter, et al, with SCS & SS for SCS (pending) (Clemens)	HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS (Crowell)
HCS for HB 1715, with SCS (Scott)	HB 2226-Muschany (Rupp)
HCS for HB 1763 (Engler)	HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 1410-Flook, et al (Ridgeway)
HB 1670-Cooper (120) (Dempsey)	HCS for HB 1888 (Clemens)
HB 1828-Sutherland (Vogel)	HB 1368-Thomson (Lager)
HCS for HB 1804, with SCS (Days)	HCS for HB 1807, with SCS (Mayer)
HB 2047-Curls, et al, with SCS (Callahan)	HB 1869-Wilson (130), et al (Goodman)

HCS for HB 2048, with SCS (Engler)
HB 2213-Kraus, et al (Shields)
HB 1422-St. Onge, et al, with SCS
(Stouffer)
HB 1354-Wilson (119), et al (Scott)
HCS for HB 1575 (Vogel)

HB 1952-Loehner, et al (Barnitz)
HB 1887-Parson (Scott)
HCS for HB 2360 (Lager)
HB 1311-Hoskins, with SCS (Engler)
HB 1426-Kraus (Green)

Reported 4/14

HB 1608-Ervin (Ridgeway)
HB 2065-Wasson, with SCS (Scott)
HB 1450-Roord, et al, with SCS (McKenna)
HB 2233-Page, et al (Shields)

HB 1419-Portwood (Loudon)
HB 1791-Cooper (155), et al (Barnitz)
HB 1689-Wilson (130), with SCS (Scott)
HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)
HCS for HB 2036 (Stouffer)
HB 1946-Franz, with SCS (Champion)
HB 1849-Pratt and Curls (Justus)
HB 1640-Schoeller, et al, with SCS
(Goodman)
HB 1570-Franz, with SCS (Champion)

HB 1469-Pratt (Goodman)
HB 1710-Flook (Ridgeway)
HCS for HB 1783 (Engler)
HB 1784-Meadows, et al (McKenna)
HB 1313-Wright, et al (Mayer)
HCS for HB 1893 (Dempsey)
HB 1881-Schlottach (Kennedy)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 724-Scott, et al, with HCS,
as amended
SCS for SB 830-Coleman, with HCS
SB 863-Rupp, with HCS
SCS for SB 907-Engler, with HCS, as
amended

SB 1068-Mayer, with HA 1 & HA 3
SB 1074-Dempsey, with HCS, as amended
SB 1140-Vogel, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 841-Stouffer, with HCS, as amended
SS for SCS for SB 931-Purgason,
with HCS, as amended
(Senate adopted CCR and passed CCS)

SB 958-Goodman, with HCS
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)

HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)
HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)

HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray
SCR 35-Shoemyer, et al

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1
HCR 30-Emery, et al, with SCS

✓