

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/House Bill No. 661, Page 8, Section 42.253, Line 16,

2 by inserting after all of said line the following:

3 "70.441. 1. As used in this section, the following  
4 terms have the following meanings:

5 (1) "Agency", the bi-state development agency created  
6 by compact under section 70.370;

7 (2) "Conveyance" includes bus, paratransit vehicle,  
8 rapid transit car or train, locomotive, or other vehicle  
9 used or held for use by the agency as a means of  
10 transportation of passengers;

11 (3) "Facilities" includes all property and equipment,  
12 including, without limitation, rights-of-way and related  
13 trackage, rails, signals, power, fuel, communication and  
14 ventilation systems, power plants, stations, terminals,  
15 signage, storage yards, depots, repair and maintenance  
16 shops, yards, offices, parking lots and other real estate or  
17 personal property used or held for or incidental to the  
18 operation, rehabilitation or improvement of any public mass  
19 transportation system of the agency;

20 (4) "Person", any individual, firm, copartnership,  
21 corporation, association or company; and

22 (5) "Sound production device" includes, but is not  
23 limited to, any radio receiver, phonograph, television  
24 receiver, musical instrument, tape recorder, cassette  
25 player, speaker device and any sound amplifier.

26           2. In interpreting or applying this section, the  
27 following provisions shall apply:

28           (1) Any act otherwise prohibited by this section is  
29 lawful if specifically authorized by agreement, permit,  
30 license or other writing duly signed by an authorized  
31 officer of the agency or if performed by an officer,  
32 employee or designated agent of the agency acting within the  
33 scope of his or her employment or agency;

34           (2) Rules shall apply with equal force to any person  
35 assisting, aiding or abetting another, including a minor, in  
36 any of the acts prohibited by the rules or assisting, aiding  
37 or abetting another in the avoidance of any of the  
38 requirements of the rules; and

39           (3) The singular shall mean and include the plural;  
40 the masculine gender shall mean the feminine and the neuter  
41 genders; and vice versa.

42           3. (1) No person shall use or enter upon the light  
43 rail conveyances of the agency without payment of the fare  
44 or other lawful charges established by the agency. Any  
45 person on any such conveyance must have properly validated  
46 fare media in his possession. This ticket must be valid to  
47 or from the station the passenger is using, and must have  
48 been used for entry for the trip then being taken;

49           (2) No person shall use any token, pass, badge,  
50 ticket, document, transfer, card or fare media to gain entry  
51 to the facilities or conveyances of, or make use of the  
52 services of, the agency, except as provided, authorized or  
53 sold by the agency and in accordance with any restriction on  
54 the use thereof imposed by the agency;

55           (3) No person shall enter upon parking lots designated  
56 by the agency as requiring payment to enter, either by  
57 electronic gate or parking meters, where the cost of such  
58 parking fee is visibly displayed at each location, without

59 payment of such fees or other lawful charges established by  
60 the agency;

61 (4) Except for employees of the agency acting within  
62 the scope of their employment, no person shall sell,  
63 provide, copy, reproduce or produce, or create any version  
64 of any token, pass, badge, ticket, document, transfer, card  
65 or any other fare media or otherwise authorize access to or  
66 use of the facilities, conveyances or services of the agency  
67 without the written permission of an authorized  
68 representative of the agency;

69 (5) No person shall put or attempt to put any paper,  
70 article, instrument or item, other than a token, ticket,  
71 badge, coin, fare card, pass, transfer or other access  
72 authorization or other fare media issued by the agency and  
73 valid for the place, time and manner in which used, into any  
74 fare box, pass reader, ticket vending machine, parking  
75 meter, parking gate or other fare collection instrument,  
76 receptacle, device, machine or location;

77 (6) Tokens, tickets, fare cards, badges, passes,  
78 transfers or other fare media that have been forged,  
79 counterfeited, imitated, altered or improperly transferred  
80 or that have been used in a manner inconsistent with this  
81 section shall be confiscated;

82 (7) No person may perform any act which would  
83 interfere with the provision of transit service or obstruct  
84 the flow of traffic on facilities or conveyances or which  
85 would in any way interfere or tend to interfere with the  
86 safe and efficient operation of the facilities or  
87 conveyances of the agency;

88 (8) All persons on or in any facility or conveyance of  
89 the agency shall:

90           (a) Comply with all lawful orders and directives of  
91 any agency employee acting within the scope of his  
92 employment;

93           (b) Obey any instructions on notices or signs duly  
94 posted on any agency facility or conveyance; and

95           (c) Provide accurate, complete and true information or  
96 documents requested by agency personnel acting within the  
97 scope of their employment and otherwise in accordance with  
98 law;

99           (9) No person shall falsely represent himself or  
100 herself as an agent, employee or representative of the  
101 agency;

102           (10) No person on or in any facility or conveyance  
103 shall:

104           (a) Litter, dump garbage, liquids or other matter, or  
105 create a nuisance, hazard or unsanitary condition,  
106 including, but not limited to, spitting and urinating,  
107 except in facilities provided;

108           (b) Drink any alcoholic beverage or possess any opened  
109 or unsealed container of alcoholic beverage, except on  
110 premises duly licensed for the sale of alcoholic beverages,  
111 such as bars and restaurants;

112           (c) Enter or remain in any facility or conveyance  
113 while his ability to function safely in the environment of  
114 the agency transit system is impaired by the consumption of  
115 alcohol or by the taking of any drug;

116           (d) Loiter or stay on any facility of the agency;

117           (e) Consume foods or liquids of any kind, except in  
118 those areas specifically authorized by the agency;

119           (f) Smoke or carry an open flame or lighted match,  
120 cigar, cigarette, pipe or torch, except in those areas or  
121 locations specifically authorized by the agency; or

(g) Throw or cause to be propelled any stone, projectile or other article at, from, upon or in a facility or conveyance;

(11) Except as otherwise provided under section 571.107, no weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except for law enforcement personnel and employees of the agency acting within the scope of their employment. For the purposes hereof, a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades; except that this subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed case, box or other container which completely conceals the item from view and identification as a weapon;

(12) No explosives, flammable liquids, acids, fireworks or other highly combustible materials or radioactive materials may be carried on or in any facility or conveyance, except as authorized by the agency;

(13) No person, except as specifically authorized by the agency, shall enter or attempt to enter into any area not open to the public, including, but not limited to, motorman's cabs, conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment;

(14) No person may ride on the roof, the platform between rapid transit cars, or on any other area outside any

154 rapid transit car or bus or other conveyance operated by the  
155 agency;

156 (15) No person shall extend his hand, arm, leg, head  
157 or other part of his or her person or extend any item,  
158 article or other substance outside of the window or door of  
159 a moving rapid transit car, bus or other conveyance operated  
160 by the agency;

161 (16) No person shall enter or leave a rapid transit  
162 car, bus or other conveyance operated by the agency except  
163 through the entrances and exits provided for that purpose;

164 (17) No animals may be taken on or into any conveyance  
165 or facility except the following:

166 (a) An animal enclosed in a container, accompanied by  
167 the passenger and carried in a manner which does not annoy  
168 other passengers; and

169 (b) Working dogs for law enforcement agencies, agency  
170 dogs on duty, dogs properly harnessed and accompanying blind  
171 or hearing-impaired persons to aid such persons, or dogs  
172 accompanying trainers carrying a certificate of  
173 identification issued by a dog school;

174 (18) No vehicle shall be operated carelessly, or  
175 negligently, or in disregard of the rights or safety of  
176 others or without due caution and circumspection, or at a  
177 speed in such a manner as to be likely to endanger persons  
178 or property on facilities of the agency. The speed limit on  
179 parking lots and access roads shall be posted as fifteen  
180 miles per hour unless otherwise designated.

181 4. (1) Unless a greater penalty is otherwise provided  
182 by the laws of the state, any violation of this section  
183 shall constitute a misdemeanor, and any person committing a  
184 violation thereof shall be subject to arrest and, upon  
185 conviction in a court of competent jurisdiction, shall pay a  
186 fine in an amount not less than twenty-five dollars and no

greater than two hundred fifty dollars per violation, in addition to court costs. Any default in the payment of a fine imposed pursuant to this section without good cause shall result in imprisonment for not more than thirty days;

(2) Unless a greater penalty is provided by the laws of the state, any person convicted a second or subsequent time for the same offense under this section shall be guilty of a misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such fine and imprisonment;

(3) Any person failing to pay the proper fare, fee or other charge for use of the facilities and conveyances of the agency shall be subject to payment of such charge as part of the judgment against the violator. All proceeds from judgments for unpaid fares or charges shall be directed to the appropriate agency official;

(4) All juvenile offenders violating the provisions of this section shall be subject to the jurisdiction of the juvenile court as provided in chapter 211;

(5) As used in this section, the term "conviction" shall include all pleas of guilty and findings of guilt.

5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of the bi-state development agency, as described in subdivision (3) of subsection 4 of this section, may, in addition to the unpaid fares or charges and any fines, penalties, or sentences imposed by law, be required to reimburse the reasonable costs attributable to the enforcement, investigation, and prosecution of such offense by the bi-state development agency. The court shall direct

219 the reimbursement proceeds to the appropriate agency  
220 official.

221         6. (1) Stalled or disabled vehicles may be removed  
222 from the roadways of the agency property by the agency and  
223 parked or stored elsewhere at the risk and expense of the  
224 owner;

225         (2) Motor vehicles which are left unattended or  
226 abandoned on the property of the agency for a period of over  
227 seventy-two hours may be removed as provided for in section  
228 304.155, except that the removal may be authorized by  
229 personnel designated by the agency under section 70.378.";  
230 and

231         Further amend said bill, page 110, section 570.030,  
232 line 125 by inserting after all of said line the following:

233         "571.107. 1. A concealed carry permit issued pursuant  
234 to sections 571.101 to 571.121, a valid concealed carry  
235 endorsement issued prior to August 28, 2013, or a concealed  
236 carry endorsement or permit issued by another state or  
237 political subdivision of another state shall authorize the  
238 person in whose name the permit or endorsement is issued to  
239 carry concealed firearms on or about his or her person or  
240 vehicle throughout the state. No concealed carry permit  
241 issued pursuant to sections 571.101 to 571.121, valid  
242 concealed carry endorsement issued prior to August 28, 2013,  
243 or a concealed carry endorsement or permit issued by another  
244 state or political subdivision of another state shall  
245 authorize any person to carry concealed firearms into:

246         (1) Any police, sheriff, or highway patrol office or  
247 station without the consent of the chief law enforcement  
248 officer in charge of that office or station. Possession of  
249 a firearm in a vehicle on the premises of the office or  
250 station shall not be a criminal offense so long as the



251 firearm is not removed from the vehicle or brandished while  
252 the vehicle is on the premises;

253       (2) Within twenty-five feet of any polling place on  
254 any election day. Possession of a firearm in a vehicle on  
255 the premises of the polling place shall not be a criminal  
256 offense so long as the firearm is not removed from the  
257 vehicle or brandished while the vehicle is on the premises;

258       (3) The facility of any adult or juvenile detention or  
259 correctional institution, prison or jail. Possession of a  
260 firearm in a vehicle on the premises of any adult, juvenile  
261 detention, or correctional institution, prison or jail shall  
262 not be a criminal offense so long as the firearm is not  
263 removed from the vehicle or brandished while the vehicle is  
264 on the premises;

265       (4) Any courthouse solely occupied by the circuit,  
266 appellate or supreme court, or any courtrooms,  
267 administrative offices, libraries or other rooms of any such  
268 court whether or not such court solely occupies the building  
269 in question. This subdivision shall also include, but not  
270 be limited to, any juvenile, family, drug, or other court  
271 offices, any room or office wherein any of the courts or  
272 offices listed in this subdivision are temporarily  
273 conducting any business within the jurisdiction of such  
274 courts or offices, and such other locations in such manner  
275 as may be specified by supreme court rule pursuant to  
276 subdivision (6) of this subsection. Nothing in this  
277 subdivision shall preclude those persons listed in  
278 subdivision (1) of subsection 2 of section 571.030 while  
279 within their jurisdiction and on duty, those persons listed  
280 in subdivisions (2), (4), and (10) of subsection 2 of  
281 section 571.030, or such other persons who serve in a law  
282 enforcement capacity for a court as may be specified by  
283 supreme court rule pursuant to subdivision (6) of this

subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under Section 17, Article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be

clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;

349           (8) Any area of an airport to which access is  
350 controlled by the inspection of persons and property.  
351 Possession of a firearm in a vehicle on the premises of the  
352 airport shall not be a criminal offense so long as the  
353 firearm is not removed from the vehicle or brandished while  
354 the vehicle is on the premises;

355           (9) Any place where the carrying of a firearm is  
356 prohibited by federal law;

357           (10) Any higher education institution or elementary or  
358 secondary school facility without the consent of the  
359 governing body of the higher education institution or a  
360 school official or the district school board, unless the  
361 person with the concealed carry endorsement or permit is a  
362 teacher or administrator of an elementary or secondary  
363 school who has been designated by his or her school district  
364 as a school protection officer and is carrying a firearm in  
365 a school within that district, in which case no consent is  
366 required. Possession of a firearm in a vehicle on the  
367 premises of any higher education institution or elementary  
368 or secondary school facility shall not be a criminal offense  
369 so long as the firearm is not removed from the vehicle or  
370 brandished while the vehicle is on the premises;

371           (11) Any portion of a building used as a child care  
372 facility without the consent of the manager. Nothing in  
373 this subdivision shall prevent the operator of a child care  
374 facility in a family home from owning or possessing a  
375 firearm or a concealed carry permit or endorsement;

376           (12) Any riverboat gambling operation accessible by  
377 the public without the consent of the owner or manager  
378 pursuant to rules promulgated by the gaming commission.  
379 Possession of a firearm in a vehicle on the premises of a  
380 riverboat gambling operation shall not be a criminal offense

381 so long as the firearm is not removed from the vehicle or  
382 brandished while the vehicle is on the premises;

383 (13) Any gated area of an amusement park. Possession  
384 of a firearm in a vehicle on the premises of the amusement  
385 park shall not be a criminal offense so long as the firearm  
386 is not removed from the vehicle or brandished while the  
387 vehicle is on the premises;

388 (14) Any church or other place of religious worship  
389 without the consent of the minister or person or persons  
390 representing the religious organization that exercises  
391 control over the place of religious worship. Possession of  
392 a firearm in a vehicle on the premises shall not be a  
393 criminal offense so long as the firearm is not removed from  
394 the vehicle or brandished while the vehicle is on the  
395 premises;

396 (15) Any private property whose owner has posted the  
397 premises as being off-limits to concealed firearms by means  
398 of one or more signs displayed in a conspicuous place of a  
399 minimum size of eleven inches by fourteen inches with the  
400 writing thereon in letters of not less than one inch. The  
401 owner, business or commercial lessee, manager of a private  
402 business enterprise, or any other organization, entity, or  
403 person may prohibit persons holding a concealed carry permit  
404 or endorsement from carrying concealed firearms on the  
405 premises and may prohibit employees, not authorized by the  
406 employer, holding a concealed carry permit or endorsement  
407 from carrying concealed firearms on the property of the  
408 employer. If the building or the premises are open to the  
409 public, the employer of the business enterprise shall post  
410 signs on or about the premises if carrying a concealed  
411 firearm is prohibited. Possession of a firearm in a vehicle  
412 on the premises shall not be a criminal offense so long as  
413 the firearm is not removed from the vehicle or brandished

while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry permit issued pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her permit, and, if applicable, endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry permit, and, if applicable,

endorsement revoked and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the concealed carry permit or, if applicable, the certificate of qualification for a concealed carry endorsement. If the person holds an endorsement, the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

3. Notwithstanding any provision of this chapter, chapters 70, 577, or 578 to the contrary, a person carrying a firearm concealed on or about his or her person who is lawfully in possession of a valid concealed carry permit or endorsement shall not be prohibited or impeded from accessing or using any publicly funded transportation system, nor shall such person be harassed or detained for carrying a concealed firearm on the property, vehicles, or conveyances owned, contracted, or leased by such systems that are accessible to the public. For purposes of this

section, "public transportation system" means the property, equipment, rights-of-way, or buildings, either publicly or privately owned and operated, of an entity that receives public funds and holds itself out to the general public for the transportation of persons. This includes portions of a public transportation system provided through a contract with a private entity, but excludes any corporation that provides intercity passenger train service on railroads throughout the United States or any private partnership in which the corporation engages.

577.703. 1. A person commits the offense of bus hijacking if he or she seizes or exercises control, by force or violence or threat of force or violence, of any bus. The offense of bus hijacking is a class B felony.

2. The offense of "assault with the intent to commit bus hijacking" is defined as an intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to interfere with the performance of duties by such person. Assault to commit bus hijacking is a class D felony.

3. Any person, who, in the commission of such intimidation, threat, assault or battery with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

4. Except as otherwise provided under section 571.107, any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his or her person or effects is guilty of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus. Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus is a



512 class D felony. The provisions of this subsection shall not  
513 apply to:

514 (1) Duly elected or appointed law enforcement officers  
515 or commercial security personnel who are in possession of  
516 weapons used within the course and scope of their  
517 employment; [nor shall the provisions of this subsection  
518 apply to];

519 (2) Persons who are in possession of weapons or other  
520 means of inflicting serious bodily injury with the consent  
521 of the owner of such bus, his or her agent, or the lessee or  
522 bailee of such bus;

523 (3) Persons carrying concealed firearms who lawfully  
524 possess a valid concealed carry permit or endorsement in  
525 accordance with section 571.107; or

526 (4) Persons transporting a firearm in a nonfunctioning  
527 state or in an unloaded state when ammunition is not readily  
528 accessible.

529 577.712. 1. In order to provide for the safety,  
530 comfort, and well-being of passengers and others having a  
531 bona fide business interest in any terminal, a bus  
532 transportation company may refuse admission to terminals to  
533 any person not having bona fide business within the  
534 terminal. Any such refusal shall not be inconsistent or  
535 contrary to state or federal laws, regulations pursuant  
536 thereto, or to any ordinance of the political subdivision in  
537 which such terminal is located. A duly authorized company  
538 representative may ask any person in a terminal or on the  
539 premises of a terminal to identify himself or herself and  
540 state his or her business. Failure to comply with such  
541 request or failure to state an acceptable business purpose  
542 shall be grounds for the company representative to request  
543 that such person leave the terminal. Refusal to comply with

544 such request shall constitute disorderly conduct.

545 Disorderly conduct shall be a class C misdemeanor.

546       2. Except as otherwise provided under section 571.107,  
 547 it is unlawful for any person to carry a deadly or dangerous  
 548 weapon or any explosives or hazardous material into a  
 549 terminal or aboard a bus. Possession of a deadly or  
 550 dangerous weapon, explosive or hazardous material shall be a  
 551 class D felony. Upon the discovery of any such item or  
 552 material, the company may obtain possession and retain  
 553 custody of such item or material until it is transferred to  
 554 the custody of law enforcement officers. The provisions of  
 555 this section shall not apply to persons transporting a  
 556 firearm in a nonfunctioning state or in an unloaded state  
 557 when ammunition is not readily accessible."; and

558       Further amend said bill, page 116, section 1, line 9 by  
 559 inserting after all of said line the following:

560       "70.385. 1. Two of the five appointments  
 561 made by the governor pursuant to the provisions  
 562 of section 70.380 shall be selected from a panel  
 563 of three nominees submitted by the mayor of St.  
 564 Louis City. Two of the five appointments made  
 565 by the governor pursuant to the provisions of  
 566 section 70.380 shall be selected from a panel of  
 567 three nominees submitted by the county executive  
 568 of St. Louis County.

569       2. The fifth appointment made by the  
 570 governor pursuant to section 70.380 shall be  
 571 selected from a panel of three nominees  
 572 submitted alternately by the mayor of St. Louis  
 573 City and the county executive of St. Louis  
 574 County. The next appointment following August  
 575 28, 1997, shall be to fill the commissioner  
 576 position described in this subsection and shall  
 577 be made from three nominees submitted by the  
 578 county executive of St. Louis County. The next  
 579 appointment for the commissioner position  
 580 described in this subsection shall be made from  
 581 three nominees submitted by the mayor of St.  
 582 Louis City whereupon the order of nomination and  
 583 appointment for this position will repeat itself.

584       3. The order of the appointments made  
 585 pursuant to subsection 1 of this section shall  
 586 be as follows:

587       (1) One from the panel of nominees  
 588 submitted by the mayor of St. Louis city;

589           (2) One from the panel of nominees  
590 submitted by the county executive of St. Louis  
591 County whereupon the order of such appointments  
592 shall repeat itself.

593           4. Whenever the mayor or the county  
594 executive submits a panel of three nominees,  
595 they shall adhere to the intent set forth in the  
596 provisions of subsection 2 of section  
597 213.020.]" ; and

598 Further amend the title and enacting clause accordingly.