

# Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY—TUESDAY, APRIL 27, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Gracious and Merciful Father: Teach us to be full of compassion and understanding wherever there is hurt and need around us. Enable us to express mercy to the less fortunate among us as You have shown mercy to us. And as Your Word teaches us, help us to be as “wise as serpents and as innocent as doves” in dealing with this world, while seeking always to do Your will. This we ask in Your Holy Name. 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.

Senator DePasco announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 732, regarding the International Police Association, which was adopted.

Senator Caskey offered Senate Resolution No. 733, regarding Wings Over Mid-America, Incorporated, which was adopted.

Senator Bentley offered Senate Resolution No. 734, regarding John Robert Schraft, Springfield, which was adopted.

Senator Maxwell offered Senate Resolution No. 735, regarding Kelly Wohlbold, Laddonia, which was adopted.

## HOUSE BILLS ON THIRD READING

**HB 185**, with **SCA 1**, introduced by Representative Lakin, entitled:

An Act to repeal section 302.291, RSMo Supp. 1998, relating to drivers’ licenses, and to enact in lieu thereof one new section relating to the same subject.

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

**SCA 1** was taken up.

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

On motion of Senator Sims, **HB 185** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich

Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Mueller—1

Absent—Senator Flotron—1

Absent with leave—Senator Childers—1

The President Pro Tem declared the bill passed.

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

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

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

**HB 861**, introduced by Representatives Griesheimer and Murray, entitled:

An Act to repeal section 34.140, RSMo Supp. 1998, relating to the distribution of state surplus property, and to enact in lieu thereof one new section relating to the same subject.

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

Senator Johnson assumed the Chair.

On motion of Senator Sims, **HB 861** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Flotron—1

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

**HB 352**, with **SCA 1**, introduced by Representative Foley, et al, entitled:

An Act relating to municipal fire departments.

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

**SCA 1** was taken up.

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

On motion of Senator House, **HB 352** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Clay—1

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

**HB 265**, introduced by Representative Smith, entitled:

An Act to repeal sections 330.070 and 330.160, RSMo 1994, relating to podiatrists, and to enact in lieu thereof three new sections relating to the same subject.

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

On motion of Senator Caskey, **HB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Clay—1

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

**HB 79**, with **SCS**, introduced by Representatives Ransdall and Gaw, entitled:

An Act to repeal section E, of Proposition A as approved by the voters on November 3, 1998, relating to animal fighting, and to enact in lieu thereof one new section relating to the same subject.

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

**SCS** for **HB 79**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 79

An Act to repeal section E, Proposition A, adopted by the registered voters of the State of Missouri on November 3, 1998, and to enact in lieu thereof one new section, for the sole purpose of correcting technical errors in the drafting of section E, with an emergency clause.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 79** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 79** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Mueller—1

Absent—Senators—None

Absent with leave—Senator Childers—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senator Mueller—1

Absent—Senators—None

Absent with leave—Senator Childers—1

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

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

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

## REPORTS OF STANDING COMMITTEES

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

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

Vickie R. Stewart, Jeanine L. Bequette, William J. Nolan, Jr. and Catherine F. Brown, as members of the Interior Design Council;

Also,

Margaret T. Donnelly and Elizabeth Van Uum, as members of the Bi-State Development Agency;

Also,

Addison M. Williams, Jr., as a member of the State Historical Records Advisory Board;

Also,

Margaret F. Koch, and April L. Ford Griffin, as members of the Advisory Committee on Lead Poisoning;

Also,

Anne C. Gardner and Karen E. Touzeau, as members of the Personnel Advisory Board;

Also,

George R. Holske, Melinda Clark and Donald M. Claycomb, as members of the Missouri Head Injury Advisory Council;

Also,

Jill M. Hamilton, as a public member of the Dam and Reservoir Safety Council;

Also,

Frank D. Beller and Harriet A. Beard, as members of the Air Conservation Commission of the State of Missouri;

Also,

Christine C. Meyer and Ronald E. Graham, as members of the Drug Utilization Review Board;

Also,

Katherine A. Tyler, as a member of the Missouri Board for Respiratory Care;

Also,

Lynn M. Catrett, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Gale L. Hackman and Barry J. Drucker, as members of the State Milk Board;

Also,

Donald L. Wolff, as a member of the Harris Stowe State College Board of Regents;

Also,

Dan W. Brown, as a member of the Missouri Veterinary Medical Board.

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

Senator Quick 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.

## REFERRALS

President Pro Tem Quick referred **HS** for **HCS** for **HB 822**, with **SCS**, and **SS** for **SCS** for **SBs 75, 381 and 204** to the Committee on State Budget Control.

## SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 203** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

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

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 203, Page 2, Section 213.111, Line 28, by deleting the words "either party" and insert in lieu thereof the words "both parties".

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

At the request of Senator Wiggins, **SB 203** was placed on the Informal Calendar.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 443**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

### SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 5**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 5** was again taken up.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 5, Page 3, Section 147.010, Line 5, by deleting the word "**one-twentieth**" and inserting in lieu thereof the word "**one-fortieth**".

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

Senator Johnson assumed the Chair.

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

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 5, Page 1, In the Title, Line 5, by striking the words "corporation franchise tax" and inserting in lieu thereof the word "taxation"; and

Further amend said bill, Page 20, Section 351.598, Line 25 of said page, by inserting immediately after said line the following:

**"Section 1. For all tax years beginning on or after January 1, 2000, an individual taxpayer**

**shall be allowed a credit against his or her state tax liability in an amount not to exceed one hundred fifty dollars for taxes paid on residential property owned by that taxpayer during the calendar year for which the income tax is being filed. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed."**; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order as it deals with subject matter not contained in the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

### PRIVILEGED MOTIONS

Senator Singleton moved that **SB 25**, with **HCS No. 2**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS No. 2** for **SB 25**, entitled:

#### HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 25

An Act to repeal sections 193.165 and 194.117, RSMo 1994, relating to sudden infant death, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **HCS No. 2** for **SB 25** be adopted, which motion prevailed by the following vote:

#### YEAS—Senators

Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Banks	Clay—2
-------	--------

Absent with leave—Senator Childers—1

On motion of Senator Singleton, **HCS No. 2** for **SB 25** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Banks	Clay	Staples—3
-------	------	-----------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

Senator Johnson moved that **SB 34**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 34**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 34

An Act to repeal sections 109.120, 109.130 and

109.241, RSMo 1994, relating to public records, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 34** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Banks	Clay—2
-------	--------

Absent with leave—Senator Childers—1

On motion of Senator Johnson, **HCS** for **SB 34** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Banks	Clay	Schneider—3
-------	------	-------------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

Senator Johnson moved that the vote by which

the bill passed be reconsidered.

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

Bill ordered enrolled.

Senator Russell moved that **SB 15**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCA 1** was taken up.

Senator Russell moved that the above amendment be adopted.

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

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

### RECESS

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

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 35** and has again taken up and passed **SCS** for **HB 35**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 920** and has again taken up and passed **HB 920**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 853** and has again taken up and passed **HB 853**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 518** and has again taken up and passed **HB 518**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 464** and has again taken up and passed **SCS** for **HB 464**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 366** and has again taken up and passed **SCS** for **HB 366**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 795** and has again taken up and passed **SCS** for **HB 795**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 348**.

With House Amendment No. 1 to House Amendment No. 1 and House Amendment No. 1, as amended.

### HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 348, Page 1, In the Title, Lines 2-5, by deleting said lines and inserting in lieu thereof the following: "To repeal sections 92.031, 205.200 and 206.060, RSMo 1994, relating to tax levies for local governments providing certain public services, and to enact in lieu thereof three new sections relating to the same subject."; and

Further amend said bill, page 1, section A, lines 1-2, by deleting said lines and inserting in lieu thereof the following: "Section A. Sections 92.031, 205.200 and 206.060, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 92.031, 205.200 and 206.060, to read as follows:"; and

Further amend said bill, page 2, section 92.031, line 13, by inserting after said line the following:

205.200. 1. Except in counties operating under

the charter form of government, the county commission in any county wherein a public hospital shall have been established as provided in sections 205.160 to 205.340 shall levy annually a rate of taxation on all property subject to its taxing powers in excess of the rates levied for other county purposes to defray the amount required for the maintenance and improvement of such public hospital and for constructing and furnishing necessary additions thereto, as certified to it by the board of trustees of the hospital; the tax levied for such purpose shall not be in excess of [fifty cents] **one dollar** on the one hundred dollars assessed valuation. The funds arising from the tax levied for such purpose shall be used for the purpose for which the tax was levied and none other.

2. Any funds of the hospital, whether derived from the tax authorized by this section or from the operation of the hospital, and whether collected before or after October 13, 1965, may be used for constructing and furnishing necessary additions to the hospital.

**3. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of trustees shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing hospital operations.**

206.060. 1. Each notice shall state briefly the purpose of the election, setting forth the question to be voted upon, form of ballot to be used and a description of the territory. The notice shall further state that any district upon its establishment shall have the powers, objects and purposes provided by this chapter, and shall have the power to levy a property tax not to exceed [fifty cents] **one dollar** on the one hundred dollars valuation.

**2. For any ballot proposal in which the maximum levy exceeds fifty cents per one hundred dollars of assessed valuation, the board of directors shall publish in a newspaper or newspapers of general circulation or otherwise make available upon request a summary description of the board's plans for using the money for ongoing hospital operations."**

**HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 1**

Amend House Amendment No. 1 to Senate Bill No. 348, Page 1, Section 205.200, Line 3, Subsection 3, by deleting the word "or" and inserting the word "and"; and

Further amend section 206.060, subsection 2, line 3, by deleting the word "or" and inserting the word "and".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 276**, entitled:

An Act to repeal sections 205.374 and 360.060, RSMo 1994, and sections 205.190, 360.015, 360.047 and 360.106, RSMo Supp. 1998, relating to health and educational facilities, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

**PRIVILEGED MOTIONS**

Senator Klarich moved that **SB 357**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCA 1** was taken up.

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

YEAS—Senators

Caskey	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

NAYS—Senators—None



Absent—Senators

Banks	Bentley	Bland	Clay
Flotron	Mueller	Russell	Scott
Sims—9			

Absent with leave—Senator Childers—1

On motion of Senator Klarich, **SB 357**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Banks	Bland	Mueller	Russell—4
-------	-------	---------	-----------

Absent with leave—Senator Childers—1

The President Pro Tem declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 218**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 218**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 218

An Act to repeal sections 174.450 and 174.453, RSMo Supp. 1998, relating to the governing boards of certain state colleges and universities, and to enact in lieu thereof two new sections relating to

the same subject, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **HCS** for **SCS** for **SB 218** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Childers—1

On motion of Senator Caskey, **HCS** for **SCS** for **SB 218** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Childers—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Childers—1

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

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

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

Bill ordered enrolled.

Senator House moved that **SCS for SB 159**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCA 1** was taken up.

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

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Mueller	Scott	Staples—3
---------	-------	-----------

Absent with leave—Senator Childers—1

Senator Wiggins assumed the Chair.

On motion of Senator House, **SCS for SB 159**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Johnson	Mueller	Scott	Staples—4
---------	---------	-------	-----------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Mathewson moved that **SB 214**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 214**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 214**

An Act to repeal sections 77.240, 77.450 and 79.280, RSMo 1994, relating to vacancies in certain offices in third and fourth class cities, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS for SB 214** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Mueller—1

Absent with leave—Senator Childers—1

On motion of Senator Mathewson, **HCS** for **SB 214** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Stoll moved that **SB 414**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

**HA 1** was again taken up.

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

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Johnson	Mathewson	Quick—3
---------	-----------	---------

Absent with leave—Senator Childers—1

On motion of Senator Stoll, **SB 414**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Johnson	Mathewson	Quick—3
---------	-----------	---------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Stoll moved that **SCS** for **SB 234**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SCS** for **SB 234**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 234

An Act to repeal sections 294.011 and 294.030, RSMo Supp. 1998, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Stoll moved that **HCS** for **SCS** for **SB 234** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Howard—1

Absent—Senator Bentley—1

Absent with leave—Senator Childers—1

On motion of Senator Stoll, **HCS** for **SCS** for **SB 234** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Howard—1

Absent—Senators

Bentley Mueller—2

Absent with leave—Senator Childers—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Howard—1

Absent—Senators

Johnson Singleton Staples—3

Absent with leave—Senator Childers—1

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

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

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

Bill ordered enrolled.

Senator Ehlmann moved that **SB 270**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **SB 270**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 270

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

Was taken up.

Senator Ehlmann moved that **HCS** for **SB 270** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Johnson	Scott	Singleton—3
---------	-------	-------------

Absent with leave—Senator Childers—1

On motion of Senator Ehlmann, **HCS for SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Johnson	Singleton—2
---------	-------------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Howard moved that **SB 426**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

**HCS for SB 426**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 426

An Act to repeal section 260.273, RSMo Supp. 1998, relating to extending the sunset on the state tire disposal fee, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **HCS for SB 426** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Banks	Ehlmann	Johnson	Quick
Singleton	Stoll—6		

Absent with leave—Senator Childers—1

On motion of Senator Howard, **HCS for SB 426** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Banks	Johnson	Singleton	Stoll—4
-------	---------	-----------	---------

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

**HOUSE BILLS ON THIRD READING**

**HCS for HB 343, with SCS, entitled:**

An Act to repeal sections 193.265, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 331.050, 335.061 and 335.071, RSMo 1994, and sections 324.203, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 334.100, 334.800, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.051, 335.066, 335.081 and 338.060, RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to the division of professional registration, and to enact in lieu thereof eighty new sections relating to the same subject, with penalty provisions and with an expiration date for certain sections.

Was taken up by Senator Caskey.

**SCS for HCS for HB 343, entitled:**

**SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 343**

An Act to repeal sections 193.265, 209.319, 214.310, 214.330, 256.459, 289.005, 289.010, 289.011, 289.020, 289.030, 289.040, 289.050, 289.060, 289.070, 289.100, 289.110, 289.120, 289.130, 326.160, 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261,

327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451, 327.461, 327.605, 328.030, 331.050, 331.090, 332.021, 333.151, 334.120, 335.021, 335.051, 335.061, 335.071, 336.130, 337.535, 338.110 and 340.202, RSMo 1994, sections 286.110, 324.050, 324.056, 324.063, 324.071, 324.086, 324.128, 324.136, 324.203, 324.205, 324.210, 324.212, 324.215, 324.217, 324.220, 324.228, 324.240, 324.243, 324.245, 324.247, 324.250, 324.257, 324.260, 324.262, 324.265, 324.267, 324.406, 324.409, 324.412, 324.424, 324.427, 324.430, 324.439, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.520, 324.522, 327.031, 327.041, 327.101, 327.401, 329.190, 330.110, 334.625, 334.655, 334.660, 334.749, 334.800, 334.850, 334.880, 334.890, 334.900, 334.910, 334.920, 335.016, 335.046, 335.066, 335.081, 337.050, 337.622, 337.739, 338.060, 339.120, 339.507, 345.080, 431.180 and 620.010, RSMo Supp. 1998, both versions of sections 286.060 as they appear in RSMo Supp. 1998, and both versions of section 335.036 as they appear in RSMo Supp. 1998, relating to professional licensing, and to enact in lieu thereof one hundred forty-nine new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

Was taken up.

Senator Caskey moved that **SCS for HCS for HB 343** be adopted.

Senator Caskey offered **SA 1:**

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 98, Section 327.461, Line 6, by inserting immediately after said line the following:

"[327.461. Every contract for architectural or engineering or land surveying services entered into by any person who is not a registered or authorized architect or registered or authorized professional engineer or registered or authorized land surveyor, as

the case may be, and who is not exempt from the provisions of this chapter, shall be unenforceable by the unregistered or unauthorized architect or professional engineer or land surveyor.]"; and

Further amend said bill, page 153, Section 327.461, lines 1-7, by deleting all of said lines.

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

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, page 4, Section 193.265, Line 41, by inserting after all of said line the following:

**"197.725. 1. The department of health shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, "necessary provider hospital" means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:**

**(1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours;**

**(2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;**

**(3) Makes available emergency services on a twenty-four hour basis; and**

**(4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and backup medical and emergency services.**

**2. The department of health may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it**

**has been promulgated pursuant to chapter 536, RSMo."; and**

Further amend said bill, Page 154, Section 345.080, Line 59, by inserting after all of said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multiyear group contracts need not comply until the expiration of their current multiyear term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this act, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.

5. Except for good cause, a health carrier shall be prohibited **either directly, or indirectly through intermediaries**, from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses **and when reimbursing amounts for covered services among persons duly licensed to provide such services**. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is

being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this act shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this act shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits under chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, under section 287.135, RSMo."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 85, Section 327.272, Line 31, by deleting the semi-colon on said line and inserting in lieu thereof a period; and

Further amend said bill, same page, same section, line 32, by deleting said line; and

Further amend said bill, same page, same section, line 33, by deleting "12" on said line and inserting in lieu thereof "11".

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

Senator Quick offered SA 4:

#### SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 11, Section 256.459, Line 7, by striking the opening bracket "[" on said line; and further amend said line, by striking the following: "]" seven"; and



Further amend said bill, Page 11, Section 256.459, Line 9, by striking the opening bracket "[" on said line; and further amend said line, by striking the closing bracket "]" on said line.

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

Senator Howard offered SA 5:

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 1, In the Title, Line 21, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 2, Section A, Line 19, by deleting the word "forty-nine" and inserting in lieu thereof the word "sixty"; and

Further amend said bill, Page 3, Section A, Lines 36 and 37 by deleting the phrase "1 and 2" and inserting in lieu thereof the following: "1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13"; and

Further amend said bill, Page 163, Section 620.160, Line 9, by inserting immediately after said line the following:

**"Section 1. As used in sections 1 to 11 of this act, the following terms mean:**

**(1) "Addictions counseling", the observation, description, evaluation, interpretation and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol and other drugs or related addiction behaviors, including gambling addition, by the application of the core functions as defined in subdivision (3) of this section; except that, the provisions of this subdivision shall not be construed to include diagnosing mental diseases. The practice of addictions counseling includes the following activities, regardless of whether the counselor receives compensation for the activities:**

**(a) Assisting individuals or groups who use alcohol or other drugs or engage in addictive behaviors, including gambling addictions, evaluating the same and recognizing addiction of the above if it exists;**

**(b) Assisting individuals or groups with addiction problems to gain insight and motivation aimed at resolving such problems;**

**(c) Providing experienced professional guidance, assistance and support for the individual's efforts to develop and maintain a responsible and functional lifestyle;**

**(d) Individual treatment planning to prevent relapse;**

**(e) Addiction prevention and other education for individuals and groups;**

**(f) Consultation with other professions;**

**(g) Recognition of problems outside the scope of the counselor's training skills or competence and referring the client to other appropriate professional care;**

**(h) Providing the above services, as needed, to family members or others affected by someone who is addicted; and**

**(i) Any other services that are not limited by another scope of practice as defined by the International Certification and Reciprocity Consortium, or any subsequent successor to this body;**

**(2) "Board", the state board for professional addictions counselors, established in section 11 of this act;**

**(3) "Core functions", the following services provided in addictions treatment:**

**(a) "Assessment", those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan;**

**(b) "Case management", activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;**

**(c) "Client education", the provision of information to clients who are receiving or seeking counseling concerning addiction problems and the available services and resources;**

(d) "Consultation with other professions", communicating with other professions in regard to client treatment and services to assure comprehensive, quality care for the client;

(e) "Counseling", the utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making;

(f) "Crisis intervention", those services which best respond to an addiction-related crisis situation of an individual, family, spouse or significant other;

(g) "Intake", the administrative and initial assessment procedures for admission to a program;

(h) "Orientation", describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights;

(i) "Referral", identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources;

(j) "Reports and recordkeeping", charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries and other client-related data;

(k) "Screening", the process by which a client is determined appropriate and eligible for admission to a particular program;

(l) "Treatment planning", those procedures by which the counselor and the client identify and rank problems needing resolution; establish agreed upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the division of professional registration in the department of economic development;

(6) "Division", the division of professional registration;

(7) "Fund", the professional addictions counselors' fund created in section 5 of this act;

(8) "Licensed professional addictions counselor", a person to whom a license has been issued pursuant to the provisions of sections 1 to 11 of this act, whose license is in force and not suspended or revoked.

Section 2. No person shall engage in the professional practice of addictions counseling unless the person is licensed as a professional addictions counselor pursuant to sections 1 to 11 of this act or certified as a substance abuse counselor. Sections 1 to 11 of this act shall not apply to:

(1) Any person who does not represent to the public, or health care financing agencies, directly or indirectly, that the person is licensed or certified pursuant to sections 1 to 11 of this act and does not use any name, title or designation indicating that the person is licensed pursuant to sections 1 to 11 of this act;

(2) Activities or services of:

(a) A licensed physician;

(b) A licensed psychologist;

(c) A licensed clinical social worker;

(d) A licensed professional counselor;

(e) A religious leader of a congregation providing pastoral alcohol and drug counseling within the scope of his or her duties; or

(f) A school counselor certified by the department of elementary and secondary education;

(3) Activities and services of students, interns or residents in professional addictions counseling seeking to fulfill educational requirements in order to qualify for a license or certification pursuant to sections 1 to 11 of this act, or an individual seeking to fulfill the post-

degree experience requirements in order to qualify for licensing pursuant to sections 1 to 11 of this act, if the activities and services are supervised by a qualified addictions professional or a professional addictions counselor licensed pursuant to sections 1 to 11 of this act, and the student, intern or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing in this section shall be construed to permit students, interns or residents to offer their services as professional addictions counselors to any other person and to accept remuneration for such professional counseling services other than as specifically exempted by the provisions of sections 1 to 11 of this act, unless such person has a license issued pursuant to sections 1 to 11 of this act;

(4) Individuals not licensed pursuant to sections 1 to 11 of this act who work in self-help groups or programs or not for profit organizations who provide services in those groups, programs, organizations or health care financing agencies, as long as such persons are not in any manner held out to the public as practicing professional addictions counseling, or do not hold themselves out to the public by any title or designation stating or implying that such persons are professional addictions counselors.

Section 3. 1. For a period of six months from September 1, 1999, a person may apply for licensure without examination and shall be exempt from the academic requirements of sections 1 to 11 of this act if the board is satisfied that the applicant:

(1) Has been a resident of the state of Missouri for at least the last six months; and

(2) Holds a valid license as a professional addictions counselor from another state.

2. The board shall determine by administrative rule the types of documentation needed to verify that an applicant meets the qualifications provided in subsection 1 of this section.

3. After March 1, 2000, no person may hold himself or herself out as a licensed professional

addictions counselor unless the person complies with all educational and examination requirements or is licensed in accordance with the provisions of sections 1 to 11 of this act.

Section 4. No provision of sections 1 to 11 of this act shall be construed to require any agency, corporation or organization, not otherwise required by law, to employ licensed professional addictions counselors; except licensed behavioral health counselors in private practice who are certified to provide substance abuse counseling service or except licensed counselors in private practice who are licensed pursuant to sections 1 to 11 of this act to provide addictions counseling services as defined in section 1 of this act shall be considered qualified providers in all cases required by law.

Section 5. 1. Applications for licensure as a professional addictions counselor shall be in writing, submitted to the board on forms prescribed by the board and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information the board requires by rule. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the board.

2. The board shall mail a renewal notice to the last known address of each licensee within forty-five days before the licensure renewal date. Failure to provide the board with the information required for a license, including continuing education documentation, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application, appropriate documentation and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the board upon payment of a fee.

4. The board shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 1 to 11 of this act. All fees provided for in sections 1 to 11 of this act shall be collected by the director who shall deposit the same with the state treasurer to a fund which is hereby created and shall be known as the "Professional Addictions Counselors' Fund".

5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the professional addictions counselors' fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional addictions counselors' fund for the preceding fiscal year.

Section 6. 1. Each applicant for licensure as a professional addictions counselor shall furnish evidence to the board that:

(1) The applicant meets the state certification requirements as currently established by the Missouri Substance Abuse Counselors Certification Board, Inc., or board-approved national standard addiction credential certification body and is a certified substance abuse counselor and/or a nationally certified addiction counselor; and

(2) The applicant has a total of five years full-time or ten thousand hours documented experience as an addictions counselor plus a total of five hundred forty contact hours of education and training in addictions and related counseling subjects; or

(3) The applicant has a bachelor's degree in addiction studies from an accredited college or

university plus two years or four thousand hours of supervised experience in the addictions field; or

(4) The applicant has a master's degree in addiction studies or related behavioral health education and two years or four thousand hours supervised experience in the addictions field by an addictions qualified professional or licensed professional addictions counselor; and

(5) The applicant is at least twenty-one years of age, has been a resident of this state for at least six months, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure; and

(6) Upon board determination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, clinical application and professional affairs and ethics.

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same or higher requirements as this state for professional addictions counselors may be granted a license to engage in the person's occupation in this state upon application to the board accompanied by the appropriate documentation and fee as established by the board pursuant to section 5 of this act.

3. The board shall issue a license to each person who files an application and fee as required by the provisions of sections 1 to 11 of this act, and who furnishes evidence satisfactory to the board that the applicant has complied with the provisions of subsection 1 of this section and with the provisions of subsection 2 of this section.

Section 7. 1. Each license issued pursuant to the provisions of sections 1 to 11 of this act shall expire on a renewal date established by the director. The term of licensure shall be twenty-

four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 1 to 11 of this act. The board shall renew any license upon application for renewal and upon payment of the fee established by the board pursuant to the provisions of section 5 of this act and upon presentation of documentation of a minimum of sixty contact hours of continuing education in the addictions field as defined by rule.

2. The board may issue temporary permits to practice under extenuating circumstances as determined by the board and defined by rule.

Section 8. 1. The board shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 1 to 11 of this act and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 1 to 11 of this act;

(3) The content, conduct and administration of any licensing examination required;

(4) The equivalent of the basic educational requirements set forth in section 6 of this act;

(5) The standards and methods to be used in assessing competency as a licensed professional addictions counselor;

(6) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 1 to 11 of this act;

(7) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;

(8) Establishment of a policy and procedure for reciprocity with other states; and

(9) Any other policy or procedure necessary to the fulfillment of the requirements of sections 1 to 11 of this act.

2. No rule or portion of a rule promulgated

pursuant to the authority of sections 1 to 11 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 9. 1. The board may refuse to issue or renew any license required by the provisions of sections 1 to 11 of this act for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 1 to 11 of this act or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of addictions counselor; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional addictions counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 1 to 11 of this act or in obtaining permission to take any examination given or

required pursuant to the provisions of sections 1 to 11 of this act;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional addictions counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 1 to 11 of this act or of any lawful rule or regulation adopted pursuant to sections 1 to 11 of this act;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice addictions counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice addictions counseling who is not licensed and is not currently eligible to practice pursuant to the provisions of sections 1 to 11 of this act;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 1 to 11 of this act or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for professional addictions counselors adopted by the board by

rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the board pursuant to the provisions of sections 1 to 11 of this act and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend the person's license for a period not to exceed three years, or revoke the license.

Section 10. 1. Violation of any provision of sections 1 to 11 of this act is a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 1 to 11 of this act shall be refunded.

3. The department on behalf of the board may sue in its own name in any court in this state. The department shall inquire as to any violation of sections 1 to 11 of this act, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 1 to 11 of this act.

4. Upon application by the board, the attorney general may on behalf of the board request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 1 to 11 of this act, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 1 to 11 of this act and may be brought concurrently with other actions to enforce the provisions of sections 1 to 11 of this act.

Section 11. 1. There is hereby created and established the "State Board of Professional Addictions Counselors" which shall consist of one public member, six licensed professional addictions counselors or persons who are eligible to be licensed, one member who is a director or coordinator of a certified drug treatment program, and one member who is a director or coordinator of an accredited addictions dependency training or college degree program in addictions studies. Members of the board who shall be licensed shall be selected from recommendations submitted by any nationally recognized association representing professional addictions counselors. The member of the board who is a director or coordinator of a certified drug treatment program shall be selected from recommendations submitted by a state association representing alcohol and drug treatment providers contracted with the department of mental health. The board shall be appointed by the governor with the advice and consent of the senate. Board members shall serve for a term of five years, except for the members first appointed, two professional members shall be appointed for five years, two professional members shall be appointed for

four years, two professional members, the member who is a director or coordinator of an addictions dependency training or college degree program in addictions studies and the member who is a director or coordinator of a certified drug treatment program shall be appointed for three years and two public members shall be appointed for two years. No person shall be eligible for appointment to the board who has served as a member of the board for a total of ten years. Members shall be appointed to represent a diversity in gender, race and ethnicity. No more than seven members shall be from the same political party.

2. Each nonpublic board member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in sections 1 to 11 of this act, shall be licensed pursuant to sections 1 to 11 of this act, except the members of the first board, who shall be licensed within six months of their appointment, and are actively engaged in the practice of addictions counseling. If a member of the board shall, during the member's term as a board member, remove the member's domicile from the state of Missouri, then the board shall immediately notify the governor, and the seat of that board member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public members shall be at the time of each member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter.

3. The board shall hold a regular annual meeting at which it shall select from among its

members a chairman and a secretary. A quorum of the board shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the board shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. The board shall share resources and facilities with the office for the committee for professional counselors provided for in sections 337.500 to 337.540, RSMo. All staff for the board shall be provided by the director of the department of economic development through the director of the division of professional registration. The board may employ, or hire on a contract basis, legal counsel to represent the board on matters related to the provisions of sections 1 to 11 of this act.

5. The governor may remove any member of the board for misconduct, inefficiency, incompetency or neglect of office."; and

Further amend said bill, Page 163, Section 1, Line 1, by deleting the first number "1" and inserting in lieu thereof the number "12"; and

Further amend said bill, Page 163, Section 2, Line 1, by deleting the number "2" and inserting in lieu thereof the number "13".

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

Senator Howard offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 110, Section 334.120, Line 46, by inserting after all of said line the following:

"334.300. As used in sections 334.300 to 334.333 the following terms mean:

(1) "Accepted therapeutic purpose", treatment of a disease, injury, ailment or infirmity that is competent and generally recognized as safe and effective;

(2) "Approved postdoctoral training" or "postdoctoral training", a program in which the training has been approved as specialty training for persons licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 or as graduate medical education for persons licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 in naturopathic medicine by the board or approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;

(3) "Approved preceptorship program" or "preceptorship", a program in which the training has been approved as preceptorship training for physicians or for graduates of a school of naturopathic medicine by the board or was approved or accredited by an educational or professional association recognized by the board or by another state's licensing agency recognized by the board;

(4) "Approved school of naturopathic medicine" or "school of naturopathic medicine", a school or college offering a course of study to a person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 which, on successful completion, awards the degree of doctor of naturopathic medicine and which course of study is any of the following:

(a) Certified, recognized or approved by another state's naturopathic licensing agency and the school is located in the jurisdiction of that licensing agency;

(b) Determined by the board to have an educational program that meets board standards as prescribed by board rules;

(5) "Board", the state board of registration for the healing arts;

(6) "Device", an appliance, apparatus or instrument administered or dispensed to a patient by a doctor of naturopathic medicine;

(7) "Dispense", the delivery by a doctor of naturopathic medicine of a substance or a device to a patient and only for a condition



being diagnosed or treated by such doctor; to include free samples packaged for individual use by licensed manufacturers or repackagers, and includes the prescribing, administering, packaging, labeling as related to naturopathic medicine and security necessary to prepare and safeguard the substance or the device for delivery to the treating doctor's own patient;

(8) "Doctor of naturopathic medicine", a person licensed to practice naturopathic medicine pursuant to sections 334.300 to 334.333;

(9) "Homeopathy", a system of medical treatment of certain diseases with small doses of drugs which in a healthy person and in large doses would produce symptoms like those of the disease;

(10) "Medical assistant" or "naturopathic medical assistant", a person who is certified by the board as a medical assistant, who assists a doctor of naturopathic medicine and who may perform delegated procedures commensurate with the assistant's education and training under the supervision of a doctor of naturopathic medicine. Procedures delegated to a medical assistant do not include diagnosing, designing or modifying established treatment programs or those procedures prohibited by the board or by the provisions of sections 334.300 to 334.333;

(11) "Minerals", an inorganic substance occurring naturally in the earth as ore or rock. Any substance neither vegetable nor animal;

(12) "Natural substance", arising from nature, not artificial;

(13) "Naturopathic medical student", a person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is enrolled in a course of study at an approved school of naturopathic medicine;

(14) "Naturopathic medicine", medicine as taught in approved schools of naturopathic medicine;

(15) "Nurse", a person licensed pursuant to chapter 335, RSMo;

(16) "Physician", a doctor of naturopathic medicine licensed pursuant to sections 334.300 to 334.333;

(17) "Practice of naturopathic medicine", a medical system of diagnosing and treating diseases, injuries, ailments, infirmities and other conditions of the human mind and body including, but not limited to, natural means or the prescribing or dispensing of substances, as defined in this section;

(18) "Specialist", a physician who has successfully completed approved postdoctoral training, who is certified by a specialty board of examiners recognized by the board and who is certified by the board to practice the specialty pursuant to sections 334.300 to 334.333;

(19) "Substances" includes, but is not limited to, minerals, vitamins, natural substances, homeopathy and schedule four and five drugs as provided in chapter 195, RSMo;

(20) "Vitamins", any complex substance found in foods and essential to good health.

334.303. 1. The state board of registration for the healing arts shall:

(1) Adopt rules that are necessary or proper for the administration of sections 334.300 to 334.333;

(2) Administer and enforce all provisions of sections 334.300 to 334.333 and all rules adopted by the board pursuant to the authority granted in sections 334.300 to 334.333;

(3) Set the amount of the fees which sections 334.300 to 334.333 authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 334.300 to 334.333; provided that the licensing fee shall not exceed two hundred fifty dollars;

(4) Deposit all funds received pursuant to sections 334.300 to 334.333 in the board of registration for the healing arts fund established in section 334.050, RSMo;

(5) Adopt rules regarding naturopathic medical assistants who assist a doctor of naturopathic medicine, and the board shall determine the qualifications of naturopathic medical assistants who are not otherwise licensed by law. The board may also adopt rules for the voluntary certification of such naturopathic medical assistants;

(6) Adopt rules requiring a doctor of naturopathic medicine to be certified and registered by the board before dispensing a substance or device;

(7) Adopt rules for conducting licensing examinations required by sections 334.300 to 334.333;

(8) Have the full and free exchange of information with the licensing and disciplinary boards of other states and countries.

**2. The board may:**

(1) Adopt rules that prescribe annual continuing medical education for the renewal of licenses issued pursuant to sections 334.300 to 334.333;

(2) Employ permanent or temporary personnel it deems necessary to carry out the purposes of sections 334.300 to 334.333 and designate their duties;

(3) Adopt rules relating to naturopathic medical specialties and determine the qualifications of doctors of naturopathic medicine who may represent or hold themselves out as being specialists;

(4) If reasonable cause exists to believe that an applicant's competency is in question, require an applicant for licensure to undergo any combination of physical, mental, blood or laboratory tests.

**3. No rule or portion of a rule promulgated pursuant to the authority of sections 334.300 to 334.333 shall become effective unless it was promulgated pursuant to the provisions of chapter 536, RSMo.**

**334.305. 1. A person who holds a license or certificate pursuant to sections 334.300 to**

**334.333 shall display such document in a conspicuous place that is accessible to view by the public.**

**2. A person who practices, conducts affairs or is employed at more than one location and who maintains a continuing activity as authorized by the license or certificate shall display a duplicate of such document issued by the board at each location.**

**334.307. 1. The examination required for a license pursuant to sections 334.300 to 334.333 shall be written and shall consist of the following parts:**

**(1) Part one shall encompass the basic medical science subjects of anatomy, basic pharmacology and toxicology, biochemistry, microbiology and immunology, physiology, pathology and naturopathic jurisprudence;**

**(2) Part two shall encompass the clinical medical science subjects of dermatology, ophthalmology and otolaryngology, geriatrics, infectious diseases, neurology and psychiatry, pediatrics, obstetrics and gynecology, orthopedics, physical medicine and rehabilitation;**

**(3) Part three shall encompass the clinical competency medical subject of emergency medicine, clinical pharmacology, internal medicine, laboratory diagnosis and diagnostic imaging, clinical nutrition, botanicals and diet therapy.**

**2. In lieu of the examination prescribed in subsection 1 of this section, the board may accept examinations conducted by a national board of examiners recognized by the board for those subjects encompassed pursuant to subdivisions (1) and (2) of subsection 1 of this section if the applicant for licensure successfully passed the examination with a grade of at least seventy-five and the national board submits an affidavit to the board that confirms the examination grade of the applicant.**

**3. In lieu of the examination prescribed in subsection 1 of this section, all physicians and surgeons licensed pursuant to this chapter, chiropractors licensed pursuant to chapter 331,**

RSMo, and podiatrists licensed pursuant to chapter 330, RSMo, who have been granted a doctor of naturopathic medicine degree from an approved naturopathic medical program in which the college granting the degree is approved by a state board, at the time the degree was granted, with equivalent quality and standards of care in the practice of naturopathic medicine shall be entitled to be licensed pursuant to sections 334.300 to 334.333 on the effective date of sections 334.300 to 334.333.

334.310. 1. A naturopathic medical student who wishes to engage in a clinical training program in naturopathic medicine shall submit an application for a certificate from the board.

2. A naturopathic medical student issued a certificate by the board to engage in an approved clinical training program shall be under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 or pursuant to chapter 330, RSMo, chapter, 331, RSMo, or this chapter.

3. The board may by rule prescribe naturopathic medical treatment procedures that naturopathic medical students may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.333, if the board determines that such procedures:

(1) May be competently performed by the student; and

(2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

4. A naturopathic medical student may do clerical tasks without supervision if the tasks do not involve diagnosing or treating a patient's condition.

5. A person shall not use the title "naturopathic medical student" or a related title or abbreviation while engaged in a clinical training program unless that person holds a certificate issued by the board to engage in such clinical training program.

6. If a student of naturopathic medicine ceases to be enrolled in an approved school of

naturopathic medicine, or if the student's supervising physician withdraws from supervision of the naturopathic medical student, the certificate to engage in clinical training held by such student shall be automatically suspended.

334.312. 1. A person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is a graduate of an approved school of naturopathic medicine with a degree of doctor of naturopathic medicine and who wishes to engage in an internship program or a preceptorship program shall submit an application for certification.

2. A person licensed pursuant to chapter 330, RSMo, chapter 331, RSMo, or sections 334.010 to 334.140 who is a graduate of an approved school of naturopathic medicine with a degree of naturopathic medicine may engage in an approved internship program or an approved preceptorship program under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 or pursuant to chapter 330, RSMo, chapter 331, RSMo, or this chapter.

3. The board may, by rule, prescribe naturopathic medical treatment procedures that a person who is a graduate of an approved school of naturopathic medicine may perform under the supervision of a physician licensed pursuant to sections 334.300 to 334.333 if the board determines that these procedures:

(1) May be competently performed by the graduate; and

(2) Do not exceed the procedures that the supervising physician has been licensed by this state to perform.

334.315. 1. A doctor of naturopathic medicine may dispense a natural substance or a device to a patient for a condition being diagnosed or treated by the doctor if:

(1) The doctor is certified by the board to dispense and such doctor's certificate has not been suspended or revoked by the board;

(2) The substance is dispensed and properly

labeled with the following dispenser information:

(a) The dispensing doctor's name, address, telephone number and license number issued by the board;

(b) The date the substance is dispensed;

(c) The patient's name;

(d) The name and strength of the substance, directions for proper and appropriate use and any cautionary statements for the substance or the device;

(3) The dispensing doctor enters into the patient's medical record the name and strength of the substance or the device dispensed, the date the substance or the device is dispensed and the therapeutic reason;

(4) The dispensing doctor keeps all substances and devices in a secured cabinet or room, controls access to the cabinet or room by a written procedure and maintains an ongoing inventory of its contents.

2. Before dispensing a substance or device pursuant to this section, the treating doctor shall give his or her patient or the patient's legal guardian a written statement on which appears the following statement in bold type:

**"This prescription may be filled by your doctor of naturopathic medicine or by a pharmacy of your choice."**

3. A doctor of naturopathic medicine shall provide direct supervision of a nurse or attendant involved in the dispensing process. In this subsection, "direct supervision" means that a doctor of naturopathic medicine is present and makes the determination as to the necessary use or the advisability of the substance or device to be dispensed.

4. The provisions of this section shall be enforced by the board. The board may conduct periodic inspections of dispensing practices to assure compliance with the section and applicable rules.

5. Nothing in this section shall prevent a licensed practical or registered nurse employed

by a physician of naturopathic medicine from assisting in the delivery of substances and devices in accordance with the provisions of this chapter.

334.318. Any person who violates any provision of sections 334.300 to 334.333 is guilty of a class A misdemeanor.

334.321. The board shall not renew any certificate of registration unless the licensee shall provide satisfactory evidence that he has complied with the board's minimum requirements for continuing education. At the discretion of the board, compliance with the provisions of this section may be waived for licensed naturopathic medical doctors who have discontinued their practice of medicine because of retirement.

334.323. 1. Every person licensed under the provisions of this chapter shall renew his certificate of registration on or before the registration renewal date. The application shall be made under oath on a form furnished by the board. The application shall include, but not be limited to, disclosure of the following: the applicant's full name and his office and residence address and the date and number of his license; all final disciplinary actions taken against the applicant by any professional medical or osteopathic association or society, licensed hospital or medical staff of the hospital, state, territory federal agency or country; and information concerning the applicant's current physical and mental fitness to practice as a naturopathic medical doctor.

2. A blank form for application for registration shall be mailed to each person licensed in this state at his last known office or residence address. The failure to receive it does not, however, relieve any person of the duty to register and pay the fee required by the chapter nor exempt him from the penalties provided by this chapter for failure to register.

3. If a person licensed, certified, or registered by the board of healing arts does not renew such license, certification, or registration for two consecutive renewal periods, such

license, certification, or registration shall be deemed void.

334.325. 1. Each applicant for registration under this chapter shall accompany the application for registration with a registration fee to be paid to the director of revenue. If the application is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid; but whenever in the opinion of the board the applicant's failure to register is caused by extenuating circumstances including illness of the applicant, as defined by rule and regulation, the delinquent fee may be waived by the board. Whenever any new license is granted to any person under the provisions of this chapter, the board shall, upon application therefor, issue to such licensee a certificate of registration covering a period from the date of the issuance of the license to the next renewal date without the payment of any registration fee.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

334.327. 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis

therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter, chapter 330 or chapter 331;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, chapter 330 or chapter 331, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter, chapter

330 or chapter 331, or in obtaining permission to take any examination given or required pursuant to this chapter, chapter 330 or chapter 331;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, chapter 330 or chapter 331, including, but not limited to, the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for visits to the naturopathic medical doctor's office which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

(f) Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

(g) Final disciplinary action by any professional medical or osteopathic association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of the person's license or staff or hospital privileges,

failure to renew such privileges or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter, chapter 330 or chapter 331;

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a naturopathic medical doctor-patient relationship for purposes of engaging a patient in sexual activity;

(j) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

(k) Failing to furnish details of a patient's medical records to other treating naturopathic medical doctors or hospitals upon proper request; or failing to comply with any other law relating to medical records;

(l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;

(m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;

(n) Failure to timely pay license renewal fees specified in this chapter;

(o) Violating a probation agreement with this board or any other licensing agency;

(p) Failing to inform the board of the naturopathic medical doctor's current residence and business address;

(q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other naturopathic medical doctor. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation or association which issues or conducts such advertising;

(5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence or repeated negligence in the performance of the functions or duties of any profession licensed or regulated by this chapter, chapter 330 or chapter 331. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;

(6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, chapter 330 or chapter 331, or of any lawful rule or regulation adopted pursuant to this chapter, chapter 330 or chapter 331;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of

medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter, chapter 330 or chapter 331 who is not registered and currently eligible to practice pursuant to this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice medicine who is not registered and currently eligible to practice pursuant to this chapter, chapter 330 or chapter 331. A naturopathic medical doctor who works in accordance with standing orders or protocols or in accordance with the provisions of section 334.104 shall not be in violation of this subdivision;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(14) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any birth, death or other certificate or document executed in connection with the practice of the person's profession;

(15) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of health care services for all patients, or the

qualifications of an individual person or persons to diagnose, render, or perform health care services;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208, RSMo, or chapter 630, RSMo, or for payment from Title XVIII or Title XIX of the federal Medicare program;

(17) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof; maintaining an unsanitary office or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in the office of a naturopathic medical doctor or in any health care facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist, paying or offering to pay a referral fee or practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a naturopathic medical doctor pursuant to sections 334.300 to 334.333, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, whose license is in good standing;

(19) Any candidate for licensure or person licensed to practice as a physical therapist, treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.620;

(20) Any person licensed to practice as a naturopathic medical doctor, requiring, as a condition of the naturopathic medical doctor-patient relationship, that the patient receive prescribed drugs, devices or other professional services directly from facilities of that naturopathic medical doctor's office or other entities under that naturopathic medical doctor's ownership or control. A naturopathic

medical doctor shall provide the patient with a prescription which may be taken to the facility selected by the patient and a naturopathic medical doctor may not knowingly fail to disclose to a patient on a form which is dated and signed by a patient or guardian acknowledging that the patient or guardian has read and understands that the naturopathic medical doctor has a pecuniary interest in a therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment is available on a competitive basis. This subdivision shall not apply to a referral by one naturopathic medical doctor to another naturopathic medical doctor within a group of naturopathic medical doctors practicing together;

(21) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed or administered by another naturopathic medical doctor who is authorized by law to do so;

(22) Revocation, suspension, limitation or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not;

(23) For a naturopathic medical doctor to operate, conduct, manage, or establish an abortion facility, or for a naturopathic medical doctor to perform an abortion in an abortion facility, if such facility comes under the definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, RSMo, and such facility has failed to obtain or renew a license as an ambulatory surgical center;

(24) Being unable to practice as a naturopathic medical doctor or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a



naturopathic medical doctor to submit to a reexamination for the purpose of establishing his or her competency to practice as a naturopathic medical doctor or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such naturopathic medical doctor's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three naturopathic medical doctors, one selected by the naturopathic medical doctor compelled to take the examination, one selected by the board, and one selected by the two naturopathic medical doctors so selected who are graduates of a professional school approved and accredited as reputable by the association which has approved and accredited as reputable the professional school from which the licentiate graduated. However, if the naturopathic medical doctor is a graduate of a medical school not accredited by the American Medical Association or American Osteopathic Association, then each party shall choose any naturopathic medical doctor who is a graduate of a medical school accredited by the American Medical Association or the American Osteopathic Association;

(b) For the purpose of this subdivision, every naturopathic medical doctor licensed pursuant to this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining naturopathic medical doctor's testimony or examination reports on the ground that the examining naturopathic medical doctor's testimony or examination is privileged;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a naturopathic medical doctor or applicant without the naturopathic medical doctor's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the naturopathic medical doctor, by registered mail, addressed to the naturopathic medical doctor at the naturopathic medical doctor's last known address. Failure of a naturopathic medical doctor to designate an examining naturopathic medical doctor to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against the naturopathic medical doctor, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the naturopathic medical doctor's control. A naturopathic medical doctor whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the naturopathic medical doctor can resume the competent practice as a naturopathic medical doctor with reasonable skill and safety to patients;

(e) In any proceeding pursuant to this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a naturopathic medical doctor in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 4 of this section.

3. Collaborative practice arrangements, protocols and standing orders shall be in writing and signed and dated by a naturopathic medical doctor prior to their implementation.

4. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary

action are met, the board may, singly or in combination, warn, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend the person's license, certificate or permit for a period not to exceed three years, or restrict or limit the person's license, certificate or permit for an indefinite period of time, or revoke the person's license, certificate, or permit, or administer a public or private reprimand, or deny the person's application for a license, or permanently withhold issuance of a license or require the person to submit to the care, counseling or treatment of naturopathic medical doctors designated by the board at the expense of the individual to be examined, or require the person to attend such continuing educational courses and pass such examinations as the board may direct.

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

6. Before restoring to good standing a license, certificate or permit issued pursuant to this chapter which has been in a revoked, suspended or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

7. In any investigation, hearing or other proceeding to determine a licensee's or applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of privilege between such licensee,

applicant or record custodian and a patient.

334.329. 1. Other provisions of section 620.010, RSMo, to the contrary notwithstanding, the board shall, at least quarterly, publish a list of the names and addresses of all persons who hold licenses under the provisions of this chapter, and shall publish a list of all persons whose licenses have been suspended, revoked, surrendered, restricted, denied or withheld. The board shall mail a copy of such lists to any person, upon request.

2. Other provisions of chapter 610, RSMo, to the contrary notwithstanding, in addition, the board shall prepare and make available to the public a report upon the disciplinary matters submitted to them where the board recommends disciplinary action except in those instances when persons possessing licenses voluntarily enter treatment and monitoring programs for purposes of rehabilitation and, in these instances, only this specific action shall not be reported with any other actions taken prior to, as part of, or following voluntary entrance into such treatment programs. The report shall set forth findings of fact and any final disciplinary actions of the board. Where the board does not recommend disciplinary action, a report stating that no action is recommended shall be prepared and forwarded to the complaining party.

334.331. 1. Upon receipt of information that the holder of any certificate of registration or authority, permit or license issued pursuant to this chapter may present a clear and present danger to the public health and safety, the executive secretary or director shall direct that the information be brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

2. The board may issue an order suspending and/or restricting the holder of a certificate of registration or authority, permit or license if it believes:

(1) The licensee's acts, conduct or condition may have violated subsection 2 of section 334.327; and

(2) A licensee is practicing, attempting or intending to practice in Missouri; and

(3) Either a licensee is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to the extent that the licensee's condition or actions significantly affect the licensee's ability to practice, or another state, territory, federal agency or country has issued an order suspending or restricting the holder of a license or other right to practice a profession regulated by this chapter, or the licensee has engaged in repeated acts of life-threatening negligence as defined in subsection 2 of section 334.327; and

(4) The acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety.

3. (1) The order of suspension or restriction:

(a) Shall be based on the sworn testimony or affidavits presented to the board;

(b) May be issued without notice and hearing to the licensee;

(c) Shall include the facts which lead the board to conclude that the acts, conduct or condition of the licensee constitute a clear and present danger to the public health and safety; and

(2) The board or the administrative hearing commission shall serve the licensee, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the board, a copy of the complaint and the request for expedited hearing, and a notice of the place of and the date upon which the preliminary hearing will be held.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The licensee may seek a stay order from

the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

4. The board shall file a complaint in the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant a licensee's request for a continuance of the preliminary hearing; however, the board's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty-five days after service of the documents required in subdivision (2) of subsection 3 of this section.

5. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the board and shall only hear evidence on the issue of whether the board's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the board's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

6. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the board within thirty days from the date of the issuance of the preliminary order of the

administrative hearing commission.

7. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying, or dismissing its preliminary order or until the board issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110, RSMo, and subsection 3 of section 334.327.

8. In cases where the board initiates summary suspension or restriction proceedings against a naturopathic medical doctor licensed pursuant to this chapter, and said petition is subsequently denied by the administrative hearing commission, in addition to any award made pursuant to sections 536.085 and 536.087, RSMo, the board, but not individual members of the board, shall pay actual damages incurred during any period of suspension or restriction.

9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the proceedings under this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

10. The burden of proving the elements listed in subsection 2 of this section shall be upon the state board of registration for the healing arts.

334.333. Any officer, agent or employee of any professional school or college, whether organized as a corporation, association, partnership, common law trust, or individually owned and operated, who knowingly permits the issuance of any diploma or any certificate of graduation from any such school or college as aforesaid to anyone, or anyone who knowingly accepts or receives such certificate or diploma, unless the recipient or beneficiary thereof has actually attended in good faith at least eighty

percent of the minimum curriculum prescribed in this chapter for such character of schools in this or some other state, and has received instruction in and has satisfactorily passed all the courses and subjects purported to be required by said school for completion of its course, and has actually been granted a degree by vote of the trustees of said college or school, shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Caskey raised the point of order that SA 6 is out of order in that it goes beyond the scope and purpose of the original bill.

At the request of Senator Howard, SA 6 was withdrawn, rendering the point of order moot.

Senator Sims offered SA 7:

#### SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 150, Section 339.120, Line 47, by inserting after all of said line the following:

"339.501. 1. Beginning July 1, 1999, it shall be unlawful for any person in this state to act as a real estate appraiser, or to directly or indirectly, engage or assume to engage in the business of real estate appraisal or to advertise or hold himself or herself out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri real estate appraisers commission as provided in sections 339.500 to 339.549.

2. No license or certificate shall be issued pursuant to sections 339.500 to 339.549 to a partnership, association, corporation, firm or group; except that, nothing in this section shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for, or on behalf of, a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed

or state- certified appraiser.

3. Any person who is not state licensed or state certified pursuant to sections 339.500 to 339.549 may assist a state-licensed or state- certified real estate appraiser in the performance of an appraisal; provided that, such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in sections 339.500 to 339.549 shall abridge, infringe upon or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of sections 339.500 to 339.549 shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, performs appraisals of property owned by such person, partnership, association or corporation;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis or a broker price opinion;

(3) Any employee of a local, state or federal agency who performs appraisal services within the scope of his or her employment; except that, this exemption shall not apply where any local, state or federal agency requires an employee to be registered, licensed or certified to perform appraisal services;

(4) Any employee of a federal or state-regulated lending agency or institution;

(5) Any agent of a federal or state-regulated lending agency or institution in a county of third or fourth classification;

**(6) In a county of the first classification with a charter form of government and a population of at least nine hundred thousand, any person employed by the property owner or agent of the owner to represent that owner in any proceeding appealing the assessment of the owner's property as authorized pursuant to**

**chapter 138, RSMo.;"**; and

Further amend the title and enacting clause accordingly.

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

Senator Bentley offered **SA 8:**

**SENATE AMENDMENT NO. 8**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6, by inserting after all of said line the following:

"320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "Distributor", any person engaged in the business of selling fireworks to wholesalers, jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary permits as specified in sections 320.106 to 320.161, including any person that imports any fireworks of any kind in any manner into the state of Missouri;

(2) "[Common] **Consumer** fireworks", explosive devices designed primarily to produce visible or audible effects by combustion[, deflagration, or detonation]. This term includes aerial devices [containing no more than two grains (130 mg) of explosive composition or] **and** ground devices [containing no more than 50 mg of explosive composition], all of which are classified **as Fireworks, UNO336, 1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified** as class C [explosives] **common fireworks** by regulation of the United States Department of Transportation;

(3) "Fireworks season", the period beginning on the twentieth day of June and continuing through the tenth day of July of the same year and the period beginning on the twentieth day of December and continuing through the second day of January of the next year, which shall be the only periods of time that seasonal retailers may be permitted to sell **consumer** fireworks;

(4) "Jobber", any person engaged in the

business of making sales of **consumer** fireworks at wholesale or retail, within the state of Missouri to nonlicensed buyers for use and distribution outside the state of Missouri during a calendar year from the first day of January through the thirty-first day of December;

(5) "Manufacturer", any person engaged in the making, manufacture, assembly or construction of fireworks of any kind within the state of Missouri;

(6) "Permanent structure", buildings and structures **with permanent foundations** other than tents, mobile homes, and trailers;

(7) "Permit", the written authority of the state fire marshal issued [under the authority of] **pursuant to** sections 320.106 to 320.161 to sell fireworks;

(8) "Person", any corporation, association, partnership or individual or group thereof;

(9) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(10) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of **consumer** fireworks in Missouri **only** during a fireworks season as defined by subdivision (3) of this section;

(11) "Special fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as **Fireworks, UNO335, 1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B [explosives] display fireworks** by regulation of the United States Department of Transportation;

(12) "Wholesaler", any person engaged in the business of making sales of **consumer** fireworks to any other person engaged in the business of making sales of **consumer** fireworks at retail within the

state of Missouri.

320.111. 1. It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into **or within** the state of Missouri except as herein provided, any item of fireworks, without first having secured the required applicable permit as a manufacturer, distributor, wholesaler, jobber or seasonal retailer from the state fire marshal. Possession of said permit is a condition precedent to manufacturing, selling or offering for sale, shipping or causing to be shipped any fireworks into the state of Missouri, except as herein provided. This provision applies to nonresidents as well as residents of the state of Missouri.

2. The state fire marshal has the authority and is authorized and directed to issue permits for the sale of fireworks. No permit shall be issued to a person under the age of eighteen years. All permits except for seasonal retailers shall be for the calendar year or any fraction thereof and shall expire on the thirty-first day of December of each year.

3. Permits issued must be displayed in the permit holder's place of business. No permit provided for herein shall be transferable nor shall a person operate under a permit issued to another person or under a permit issued for another location. Manufacturer and distributor permit holders operating out of multiple locations shall obtain a permit for each location.

4. **Failure to make application for a permit by May thirty-first of the calendar year may result in the fire marshal's refusal to issue a license to the licensee or applicant for such calendar year.**

5. The state fire marshal is authorized and directed to charge the following fees for permits:

(1) Manufacturer, a fee of seven hundred fifty dollars per year;

(2) Distributor, a fee of seven hundred fifty dollars per year;

(3) Wholesaler, a fee of two hundred fifty dollars per year;

(4) Jobber, a fee of five hundred dollars per year per sales location;

(5) Seasonal retailer, a fee of twenty-five dollars per year per sales location;

(6) Special fireworks (displays), a fee of twenty-five dollars per year per location.

[5.] **6.** A holder of a manufacturer's permit shall not be required to have any additional permits in order to sell to distributors, wholesalers, jobbers or seasonal retailers, or to sell special fireworks.

[6.] **7.** A holder of a distributor's permit shall not be required to have any additional permits in order to sell to wholesalers, jobbers, seasonal retailers or to sell special fireworks.

[7.] **8.** A holder of a jobber's permit shall not be required to have any additional permit in order to sell **consumer** fireworks at retail during the fireworks season **from such jobber's permanent structure**.

[8.] **9.** All fees collected for permits issued pursuant to this section shall be paid to the Missouri department of revenue and deposited in the general revenue fund. Any person engaged in more than one permit classification shall pay one permit fee based upon the permit classification yielding the highest amount of revenue.

[9.] **10.** The state fire marshal is charged with the enforcement of the provisions of sections 320.106 to 320.161 and may call upon any state, county or city peace officer for assistance in the enforcement of the provisions of sections 320.106 to 320.161. The state fire marshal may promulgate rules pursuant to the requirements of this section and chapter 536, RSMo. No rule or portion of a rule promulgated [under the authority of] **pursuant to** this chapter shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

[10.] **11.** The state fire marshal, upon notification by the department of revenue, may withhold permits from applicants upon evidence that all state sales taxes for the preceding year or years have not been paid; except, this subsection shall not apply if an applicant is pursuing any proper remedy at law challenging the amount, collection, or assessment of any sales tax.

[11.] **12.** A holder of a jobber's permit shall be

required to operate out of a permanent structure in compliance with all applicable building regulations in the city or county in which said person is selling **consumer** fireworks.

[12.] **13.** It is unlawful for any manufacturer, distributor, wholesaler, or jobber to sell **consumer** fireworks to a seasonal retailer who has not acquired an appropriate permit from the state fire marshal. **A seasonal retailer shall acquire and present the appropriate permit from the state fire marshal before any manufacturer, distributor, wholesaler or jobber is allowed to sell consumer fireworks to such seasonal retailer, provided that such seasonal retailer is purchasing the consumer fireworks for resale in this state.**

[13.] **14.** The state fire marshal and [his] **the marshal's** deputies or designees may conduct inspections of any premises and all portions of buildings where fireworks are stored or being offered for sale. Licensees shall cooperate fully with the state fire marshal and [his] **the marshal's** deputies during any such inspection.

**15. The state fire marshal, the marshal's designees, or any authorized police or peace officer may enter onto property accessible to the public where fireworks are offered for sale by nonlicensed persons or by persons whose licenses are revoked or suspended.**

320.116. 1. The state fire marshal may revoke any permit issued [under the provisions of] **pursuant to** sections 320.106 to 320.161 upon evidence that the holder has violated any of the provisions of sections 320.106 to 320.161.

2. The state fire marshal, in his or her discretion, may refuse to issue a permit, for a period not to exceed three years, to a person whose permit has been revoked as the result of a conviction for the possession or sale of illegal fireworks, as referred to in section 320.136.

3. The state fire marshal, [his] **the marshal's** deputies, **the marshal's designees** or any authorized police or peace officer shall seize as contraband any illegal fireworks as defined [under the terms of] **pursuant to** sections 320.106 to 320.161. Such illegal fireworks seized in the

enforcement of sections 320.106 to 320.161 shall be held in custody of the state fire marshal in proper storage facilities. The person surrendering the fireworks may bring an in rem proceeding in the circuit court of the county where the fireworks were seized. Upon hearing, the circuit court may authorize the return of all or part of the confiscated fireworks or the court may authorize and direct that such contraband fireworks be destroyed. If a proceeding is not brought within thirty days, the fireworks shall be destroyed by the state fire marshal. The state fire marshal shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of the provisions of sections 320.106 to 320.161.

4. Any person aggrieved by any official action of the state fire marshal affecting their licensed status including revocation, suspension, failure to renew a license, or refusal to grant a license may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo.

320.126. 1. Any person possessing or transporting special fireworks into the state of Missouri for the purpose of resale or to conduct a special firework display shall be licensed by the state fire marshal as a distributor.

2. Possession and sale of special fireworks shall be limited to a holder of a [federal license or permit] **federal license or a distributor or manufacturer permit** issued for special fireworks displays.

3. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a state manufacturer or distributor permit.

4. Permits for public displays for special fireworks may be granted to municipalities, fair associations, amusement parks, organizations, firms or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. Every such display shall be located, discharged, or fired so as in the opinion of the chief

of the fire department, after proper inspection, to not be hazardous to any person or property. After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for special fireworks displays shall be forwarded to the state fire marshal's office. No permit granted hereunder shall be transferable.

5. Before any permit for a [pyrotechnic] **special fireworks** display shall be issued, the municipality, fair association, amusement park, organization, firm, or corporation making application therefor shall furnish proof of financial responsibility to **the permitting authority in order to** satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" **and defined as consumer fireworks in subdivision (2) of section 320.106** other than items now or hereafter classified as ["class C common fireworks"] **Fireworks UNO336, 1.4G** by the United States Department of Transportation [or those items] that comply with the construction, chemical composition, labeling and other regulations relative to **consumer fireworks [regulation] regulations** promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public [under their] **pursuant to such commission's** regulations.

2. No retailer, dealer, or any other person shall sell, offer for sale, store, display, or have in their possession any **consumer** fireworks that have not been approved [and labeled as class C fireworks by the Interstate Commerce Commission] **as Fireworks UNO336, 1.4G by the United States Department of Transportation.**

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any **consumer** fireworks which do not have the [ICC class C label printed on



the fireworks or on the smallest package in which they are sold] **numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.**

4. [The ICC class C label must be visible on the fireworks or smallest container in which they are sold. The label shall be on the fireworks, or package, or both, that is received by the general public from the dealer.

5.] This section does not prohibit a manufacturer, distributor or any other person from storing, selling, shipping or otherwise transporting [class B] **special fireworks, defined as Fireworks UNO335, 1.3G by the United States Department of Transportation**, provided they possess the proper licensing as specified by state and federal law.

[6.] **5.** Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. [1.] Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and various other tubular salutes which exceed the **federal** limits set for **Fireworks UNO336, 1.4G formerly known as class C common fireworks**, by the **United States Department of Transportation** for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, and use within the state of Missouri for any purpose. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020, RSMo.

[2. It is unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public

may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where such fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

3. Fireworks shall not be stored, kept or sold within fifty feet of any area in which volatile liquids or gases are stored above the surface of the ground.

4. It is unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of the place where fireworks are offered for sale.]

320.141. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at wholesale or retail by holders of a jobber's permit to nonlicensed buyers from outside the state of Missouri during a calendar year from the first day of January until the thirty-first day of December. Permissible items of **consumer** fireworks defined in section 320.131 may be sold at retail by holders of a seasonal retail permit during the selling periods of the twentieth day of June through the tenth day of July and the twentieth day of December through the second day of January.

320.146. 1. It shall be unlawful to expose fireworks to direct sunlight through glass to the merchandise displayed, except where the fireworks are in the original package. All fireworks which the public may examine shall be kept for sale in original packages, except where an attendant is on duty at all times where fireworks are offered for sale. Fireworks shall be kept in showcases out of the reach of the public when an attendant is not on duty. One or more signs reading, "FIREWORKS--NO SMOKING" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.

2. Fireworks shall not be stored, kept or sold within fifty feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building

in which gasoline or volatile liquids are sold in quantities in excess of one gallon. The provisions of this subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.

3. It shall be unlawful to permit the presence of lighted cigars, cigarettes, pipes, or any other open flame within ten feet of where fireworks are offered for sale.

**4. Fireworks shall not be stored, kept or sold within fifty feet of any area in which ignitable liquids or gases are stored above the surface of the ground.**

320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite fireworks within six hundred feet of any church, hospital, [asylum, or public] **mental health facility**, school, or within one hundred feet of a permanent structure where fireworks are stored, sold, or offered for sale.

4. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

5. No person shall ignite or discharge fireworks within three hundred feet of any gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service **or the state fire marshal.**"; and

Further amend the title and enacting clause

accordingly.

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

Senator Singleton offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 339.507, Line 59, by inserting after all of said line the following:

**"430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:**

**(1) "Claim", a claim of a patient for:**

**(a) Damages from a tortfeasor; or**

**(b) Benefits from an insurance carrier;**

**(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;**

**(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;**

**(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381 or 383, RSMo;**

**(5) "Other institution", a legal entity existing pursuant to the laws of this state which delivers treatment, care or maintenance to patients who are sick or injured;**

**(6) "Patient", any person to whom a health practitioner, hospital, clinic or other institution delivers treatment, care or maintenance for sickness or injury caused by a tortfeasor from whom such person seeks damages or any insurance carrier which has insured such tortfeasor.**

**2. Clinics, health practitioners and other institutions, as defined in this section shall have the same rights granted to hospitals in sections 430.230 through 430.250, RSMo.";** and

Further amend said bill, Page 163, Section 2, Line 7, by inserting after all of said line the following:

**"Section 3. If the liens of such health practitioners, hospitals, clinics or other institutions exceeds fifty percent of the amount due the patient, every health practitioner, hospital, clinic or other institution giving notice of its lien, as aforesaid, shall share in fifty percent of the amount due the patient in the proportion that each claim bears to the total amount of all other liens of health practitioners, hospitals, clinics or other institutions.";** and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered SA 10:

#### SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 35, Section 289.130, Line 6 of said page, by inserting after all of said line the following:

"301.142. 1. As used in this section the term "physically disabled" means a natural person who is a blind person, as defined in section 8.700, RSMo, or a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

(1) The person cannot walk fifty feet without stopping to rest; or

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

(3) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room

air at rest; or

(4) Uses portable oxygen; or

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

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

2. "Temporarily disabled person" means a physically disabled person whose disability or incapacity can be expected to last for not more than one hundred eighty days.

3. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, and by state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a disabled license plate or windshield placard to park in a parking space designated for

the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

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

5. Any physically disabled person, or the parent or guardian of any such person, or any not for profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard to be hung from the rearview mirror of a parked motor vehicle. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be two dollars and the removable windshield placard shall be renewed every year. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard shall be issued to an applicant who has not been issued disabled person license plates. A temporary windshield placard

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

6. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability

is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists **or with the state board of optometry created in section 336.130, with respect to physician's statements signed by optometrists** to determine whether the physician is duly licensed and registered pursuant to law. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director may, in cooperation with the boards which shall assist the director, establish a list of all physicians' names and of any other information necessary to administer this subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection.

7. Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit an affidavit stating this fact, in addition to the physician's statement. The affidavit shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this affidavit

with each application for license plates.

8. The director of revenue shall enter into reciprocity agreements with other states for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons in those states.

9. When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of such person shall return the plates or placards or both to the director of revenue under penalty of law. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

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

11. Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director."; and

Further amend the title and enacting clause accordingly.

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

Senator Westfall offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by inserting immediately after said line the following:

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

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

Senator Kenney offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 68, Section 324.524, Line 11, by inserting after all of said line the following:

**"324.560. As used in sections 324.560 to 324.605, unless the context provides otherwise, the following terms shall mean:**

**(1) "Department", the department of economic development;**

**(2) "House", a dwelling, building, or other structure in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo;**

**(3) "Housemoving experience", extensive and responsible training gained by the applicant while engaged actively and directly on a full-time basis in the moving of houses and structures on public roads and highways with at least twenty-four months experience;**

**(4) "Person", an individual, corporation,**

**partnership, association or any other business entity.**

**324.563. All persons who engage in the profession of housemoving on the roads and highways of this state shall be licensed by the department of economic development.**

**324.566. The department shall issue licenses to applicants meeting the following conditions:**

**(1) The applicant must be at least eighteen years of age, be of good moral character and demonstrate that he or she has two years of experience in moving houses;**

**(2) The applicant must furnish proof that all of the vehicles to be used in the movement of buildings, structures, or other extraordinary objects wider than fourteen feet have met the requirements of sections 307.350 through 307.400, RSMo, pertaining to the inspection of motor vehicles;**

**(3) The applicant must exhibit his federal employer's identification number; and**

**(4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund.**

**324.569. A license issued pursuant to this section shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.**

**324.572. 1. No license shall be issued or renewed unless the applicant files with the department a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:**

**(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;**

(2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees if the employer is licensed as a professional housemover.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the department a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the department of any of the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;
- (2) Nonrenewal of the policy; or
- (3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the department a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's structure for all claims for property damage arising from the movement of a structure; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.575. 1. Persons licensed as professional housemovers shall also be required to secure a special permit, as provided for in subsection 6 of section 304.200, RSMo, from the director of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the director if the director determines that the

applicant:

(1) Is properly licensed;

(2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.572; and

(3) Is complying with such other regulations as required by the department of economic development.

2. A license shall not be required for individuals moving their own buildings from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.578. 1. Application for a special permit to move a structure must be made to the director of the department of highways and transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the director.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The director shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the building or structure to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the director on appeal. After reviewing the route and travel plan, the director may in his or her discretion issue the permit

after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the structure, the distance the structure is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur can be required if deemed necessary by the director.

**324.581.** All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the mover, provided that arrangements for and approval from the owner is obtained.

**324.584.** Irrespective of the route shown on the special permit, an alternate route will be followed:

(1) If directed by a peace officer;

(2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or

(3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department issuing the permit on which he is traveling prior to proceeding.

**324.587.** The object to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

**324.590.** No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

**324.593.** The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an

application to obtain a license, fraudulently obtaining a permit, alteration or a permit, or unauthorized use of a permit will render the permit void.

**324.596.** All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

**324.602.** The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

**324.605.** Any person violating sections 324.560 to 324.605 or the regulations of the department governing housemoving shall be guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Singleton offered SA 13:

#### SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 59, Section 324.475, Line 12, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 59, Section 324.475, Line 14, by striking the closing bracket "]" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 11, by striking the opening bracket "[" on said line; and

Further amend said bill, Page 64, Section 324.484, Line 12, by striking the closing bracket "]" on said line.

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

Senator Flotron offered SA 14:



SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 2, In the Title, Line 2 of said page, by inserting immediately after "sections" the following: ", with an emergency clause"; and

Further amend said bill, page 163, section 2, line 7, by inserting immediately after said line the following:

**"Section 1. 1. A physician, licensed pursuant to chapter 334, RSMo, otherwise lawfully prescribing or authorizing a refill of a prescription for any medication other than a controlled substance at any time during normal business hours during the period beginning December 1, 1999, and ending December 31, 1999, may upon request of the patient make such prescription or refill authorization for such a supply of the medication as will be sufficient to continue the treatment at least until the end of such treatment, but such supply shall not be for a longer time period than March 31, 2000, provided that:**

**(1) The patient's condition for which the medication is prescribed as treatment is chronic or the medication is likely to be appropriate as treatment for the patient's condition at least until the end of such treatment; and**

**(2) The interruption of the supply of the medication before March 31, 2000, may cause substantial physical or mental discomfort or undesirable health consequences for the patient; and**

**(3) The physician does not employ this provision more than once for the same medication for the patient.**

**2. This section shall expire and be of no force and effect on and after May 1, 2000.**

**Section 2. 1. Any coverage for prescription medication provided under any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state before, on, or after July 1, 1999, by a health care corporation, health maintenance organization, accident and sickness**

**insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, or similar entity which would otherwise extend to medications prescribed pursuant to this section 1 of this act but for a limitation on the number of days' supply of medication covered under such plan, policy, or contract, shall be deemed to extend to medications prescribed pursuant to section 1 of this act notwithstanding the limitations of such plan, policy, or contract. If for purposes of applying any deductibles under such coverage a new plan year begins at any time during the period of December 1, 1999, through March 31, 2000, any amount of supply of such prescribed medication which is for use after such new plan year begins shall be applied toward the deductible for such new plan year without regard to the date the prescription was filled or refilled.**

**2. This section shall expire and be of no force and effect on and after May 1, 2000.**

Section B. Because of the immediate need to address year-2000 compliance issues, sections 1 and 2 this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and these sections shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Section A, Line 37, by inserting immediately after said line the following:

"190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical

technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless

such person is licensed by the department.

**6. All persons transported in a supine position in a vehicle other than an ambulance shall be attended by an EMT-P licensed pursuant to this section. Notwithstanding any law to the contrary all patients shall be transported in an ambulance. The department shall promulgate rules regarding the provisions of this subsection."**; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Yeckel offered SA 1 to SA 15, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 3, Line 1, by inserting after the word "subsection" the following: "**This subsection shall only apply to vehicles transporting persons for a fee.**".

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

Senator Jacob moved that SA 15, as amended, be adopted, which motion prevailed.

Senator Mueller offered SA 16, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 154, Section 431.180, Lines 3-5, by striking all of said lines and inserting in lieu thereof the following: "pursuant to the terms of the contract."

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

Senator Ehlmann offered SA 17, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 163, Section 2, Line 7, by adding at the end of this line, the following: "Any lobbyist who lobbies for any of the licensing provisions of this bill shall be required to obtain a license to lobby in the future. Said license to be issued by the Secretary of the Senate at her sole discretion."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, the above amendment was withdrawn.

At the request of Senator Caskey, **HCS** for **HB 343**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

**HS** for **HCS** for **HB 274**, entitled:

An Act to repeal section 516.105, RSMo 1994, relating to statute of limitations for actions against health care providers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **HS** for **HCS** for **HB 274** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Banks	Goode	Johnson	Mueller
Staples	Stoll—6		

Absent with leave—Senator Childers—1

The President declared the bill passed.

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

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

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

Senator Wiggins assumed the Chair.

**HCS** for **HB 814**, with **SCS**, entitled:

An Act relating to escrow accounts for tobacco product manufacturers, with penalty provisions and an emergency clause.

Was taken up by Senator Quick.

**SCS** for **HCS** for **HB 814**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 814

An Act relating to escrow accounts for tobacco product manufacturers, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Quick moved that **SCS** for **HCS** for **HB 814** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

"Section 3. 1. An attorney shall not accept compensation for representing a client from one other than the client unless the client consents after consultation.

2. If at any time subsequent to May 15, 1998, an attorney who has been appointed Assistant Attorney General and who has rendered services for or on behalf of the State of Missouri has entered into or seeks to enter into a contract with a third person for payment of fees earned in connection with that attorney's representation of the State of Missouri, that contract shall not be valid or enforceable unless and until the State of Missouri through duly enacted legislation signed by the Governor, specifically consents to that contract.

3. Any taxpayer of the State of Missouri shall have standing and the right to file a lawsuit in the Circuit Court of the county in which said taxpayer resides to set aside any contract entered into subsequent to May 15, 1998, by any Assistant Attorney General wherein a third party undertakes the payment of fees for services rendered to or on behalf of the State of Missouri."; and

Further amend said title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Mueller, Quick, Russell and Singleton.

Senator Schneider raised the point of order that SA 1 is out of order as it goes beyond the subject matter of the bill.

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

Senator Kinder offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

**"Section 3. Any attorneys acting on behalf of the state of Missouri in a dispute between this state and any company which manufactures, sells or promotes tobacco or tobacco products shall receive compensation solely pursuant to lawful appropriation by the general assembly.";** and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Schneider raised the point of order that SA 2 is out of order in that it goes beyond the scope of the subject matter of the bill.

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

Senator Ehlmann offered SSA 1 for SA 2:

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

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 814, Page 4, Section 2, Line 65, by inserting after all of said line the following:

"Section 3. Any rights to compensation of attorneys under the Tobacco Settlement shall not vest until there is state specific finality for the State of Missouri. The Attorney General shall, before state specific finality, renegotiate the Tobacco Settlement Agreement to include the following:

STATE OPTION TO ENTER AGREEMENT  
FOR PAYMENT OF ATTORNEYS' FEES

This State Option to Enter Agreement for Payment of Attorneys' Fees (the "Option") is extended by the Original Participating Manufacturers to each Settling State, in partial consideration for such Settling State's entry into the Master Settlement Agreement executed by the Original Participating Manufacturers and the Settling States on November 23, 1998 (the "Agreement").

SECTION 1. *Effectiveness.*

This Option shall become effective as to each Settling State upon State-Specific Finality in such Settling State and shall remain in effect as to such Settling State until the earlier of (a) December 31, 2001 or (b) such time as the Agreement is terminated with respect to such Settling State, if ever.

SECTION 2. *Definitions.*

All definitions contained in the Model Fee Payment Agreement attached as Exhibit O to the Agreement are incorporated by reference herein. The term "STATE Outside Counsel" shall mean those Outside Counsel for the Settling State in question.

SECTION 3. *Recovery of Fee Payments by Settling States.*

(a) In the event that (i) STATE Outside Counsel have not entered into a Fee Payment Agreement with the Original Participating

Manufacturers and (ii) the Settling State in question has paid attorneys' fees or costs in connection with the Action to any of those persons or entities identified in Exhibit S to the Agreement, such settling State may enter into an agreement with the Original Participating Manufacturers based on the Model Fee Payment Agreement, as modified to reflect the terms of this Option, pursuant to which such Settling State may:

(i) either (A) at any time after December 31, 1999 and subject to subsections (b), (c), (d) and (e) of this section, seek to be paid a Fee Award in the place of STATE Outside Counsel, in the same manner as and subject to the same terms and conditions as would apply to payment of a Fee Award to STATE Outside Counsel; or (B) subject to the conditions of subsections (b), (c), (d) and (e) of this section, enter into an agreement with the Original Participating Manufacturers for payment of a Liquidated Fee in the place of STATE Outside Counsel, in the same manner as and subject to the same terms and conditions as would apply to payment of a Liquidated Fee to STATE Outside Counsel; and

(ii) subject to subsections (b), (c), (d) and (e) of this section, seek reimbursement for the reasonable costs and expenses of STATE Outside Counsel, in the same manner and subject to the same terms and conditions as would apply to reimbursement of reasonable costs and expenses to STATE Outside Counsel under the Model Fee Payment Agreement.

(b) In the event that a Settling State seeks a Fee Award pursuant to subsection (a) of this section, such Settling State shall be entitled to a Fee Award that would fairly provide for full reasonable compensation of STATE Outside Counsel, as provided in section 14 of the Model Fee Payment Agreement. In determining the amount of any Fee Award sought by a Settling State pursuant to this section, the Panel shall not consider, and shall not be presented with information as to, any amounts paid or to be paid by such Settling State in connection with the Action to any of those persons or entities identified in Exhibit S to the Agreement. In the event that a Settling State seeks reimbursement for costs and expenses pursuant to subsection (a) of this section, such Settling State

shall be entitled to reimbursement of reasonable costs and expenses of STATE Outside Counsel incurred in connection with the Action, as provided in section 19 of the Model Fee Payment Agreement.

(c) Payments to any Settling State in satisfaction of any Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section shall be limited to the amount of attorneys' fees or costs for the Action that have actually been paid by such Settling State to any of those persons or entities identified in Exhibit S to the Agreement.

(d) No payment shall be made to any Settling State in satisfaction of a Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section.

(i) if STATE Outside Counsel subsequently enter into a Fee Payment Agreement with the Original Participating Manufacturers, until such time as any Liquidated Fee, Fee Award or Cost Settlement of STATE Outside Counsel (A) has been determined and (B) has been paid in full.

(ii) if any person or entity identified in Exhibit S to the Agreement by the Attorney General of the Settling State in question (or as certified by the office of the governmental prosecuting authority, in the case of a Litigating Political Subdivision) files any claim in any way related to the Action against any Original Participating Manufacturer or any Related Person, until such claim (A) has been finally resolved and is no longer subject to court review and (B) has been paid in full, in the event of any liability by such Original Participating Manufacturer or Related Person.

(e) Any amounts to be paid to any Settling State in satisfaction of any Liquidated Fee, Fee Award or Cost Statement pursuant to any agreement entered into by such Settling State and the Original Participating Manufacturers pursuant to subsection (a) of this section shall be reduced, on a dollar-for-dollar basis, for (A) any payments

made to STATE Outside Counsel by the Original Participating Manufacturers in satisfaction of any Liquidated Fee, Fee Award or Cost Statement of STATE Outside Counsel pursuant to any Fee Payment Agreement entered into between STATE Outside Counsel and the Original Participating Manufacturers, and (B) any payment made by any Original Participating Manufacturer or Released Person on any claim described in paragraph (ii) of subsection (d) of this section.

IN WITNESS WHEREOF, the Original Participating Manufacturers, through their fully authorized representatives, have made this Option as of this 23rd day of November, 1998.

**PHILIP MORRIS INCORPORATED**

By: /s/ Meyer G. Koplow  
Counsel

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Howard, Jacob, Ehlmann and Russell.

**SSA 1** for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—14		

NAYS—Senators

Bland	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Staples
Wiggins—17			

Absent—Senators

Banks Stoll—2

Absent with leave—Senator Childers—1

**SA 2** was again taken up.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by

Senators Caskey, Ehlmann, Mueller and Singleton.

**SA 2** failed of adoption by the following vote:

YEAS—Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—14		

NAYS—Senators

Banks	Bland	Caskey	Clay
DePasco	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Staples
Wiggins—17			

Absent—Senators

Goode Stoll—2

Absent with leave—Senator Childers—1

Senator Quick moved that **SCS** for **HCS** for **HB 814** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HCS** for **HB 814** was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel—29			

NAYS—Senators

Kinder Steelman—2

Absent—Senators

Goode Stoll—2

Absent with leave—Senator Childers—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Banks	Bentley	Bland	Caskey
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel—29			

## NAYS—Senators

Kinder	Stelman—2
--------	-----------

## Absent—Senators

Goode	Stoll—2
-------	---------

Absent with leave—Senator Childers—1

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

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

Senator DePasco 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 **SB 7**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 219**, entitled:

An Act to repeal section 138.431, RSMo 1994, relating to ad valorem taxation, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, House Amendments Nos. 6, 7, 8, 9 and 11.

### HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.130**" and further amend said bill, page 1, section A, line 1, by adding section "137.130", and further amend said bill, page 1, line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**", and further amend said bill, page 1, line 2, by adding the section "**137.130**", and further amend said bill, page 1, section 137.100, line 1, by adding said section:

"137.130. Whenever there shall be any taxable **personal** property in any county, and from any cause no list thereof shall be given to the assessor in proper time and manner, the assessor shall [himself] make out the list, on [his] **the assessor's** own view, or on the best information [he] **the assessor** can obtain; and for that purpose [he] **the assessor** shall have lawful right to enter into any lands and make any examination and search which may be necessary, and may examine any person upon oath touching the same. **The assessor shall list, assess and cause taxes to be imposed upon omitted taxable personal property in the current year and in the event personal property was also subject to taxation in the immediately prior year, but was omitted, the assessor shall also list, assess and cause taxes to be imposed upon such property.**"

### HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, Line 2, by deleting the phrase "section 138.431, RSMo 1994," and inserting in lieu thereof the phrase "sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "twelve" and inserting in lieu thereof the word "sixteen"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the phrase "Section 138.431, RSMo 1994, is repealed and twelve" and inserting in lieu thereof the following: "Sections 137.720, 137.750 and 138.431, RSMo 1994, and section 138.395, RSMo Supp. 1998, are repealed and sixteen"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the word "sections" the numbers "137.130, 137.720, 137.750,"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "137.1030" the number ", 138.395"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"137.720. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required [under] **pursuant to** section 137.750. The percentage shall be one-half of one percent for all counties of the first and second [class] **classification** and cities not within a county and one percent for counties of the third and fourth [class] **classification**. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided [under] **pursuant to** section 137.750, every county shall provide [all moneys necessary to assure that the fund is at least equal to the amount of moneys available for assessment purposes in the previous year] **from the county general revenue fund, an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund**, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

137.750. 1. If a county has an assessment maintenance plan approved [under] **pursuant to** section 137.115, a portion of all the costs and expenses of the assessor of each county and each city not within a county, incurred for the current quarter in performing all duties necessary to assess and maintain equalized assessed valuations of real

property, making real and personal property assessments and preparing abstracts of assessment lists, shall be reimbursed by the state. The state shall reimburse up to [one-half] **sixty percent** of all the current and past unreported quarterly costs and expenses of the assessor of each county and each city not within a county based on compliance with the state tax commission approved assessment and equalization maintenance plan. The state shall reimburse each eligible county a minimum of three dollars per parcel for up to twenty thousand parcels, but no further reimbursements shall be made until the county has expended [an equal] **at least two-thirds of that** amount of money for assessment maintenance from its assessment fund. The [maximum] annual state reimbursement to any county [under] **pursuant to** this section in [1986] **2000** shall [not exceed five dollars and fifty cents] **be seven dollars** per parcel of real property in the county and each year thereafter such maximum amount may be increased by up to three percent, but the amount reimbursed by the state shall not exceed [one-half] **sixty percent** of the actual costs and expenses incurred, except that counties entitled to only the three-dollar per parcel minimum shall receive one-fourth of the state's contribution each quarter.

2. The governing body of each county and city not within a county which seeks or will seek reimbursement under any provision of this section or section 137.720 shall establish a fund to be known as the "Assessment Fund", to be used solely as a depository for funds received by the county or city pursuant to this section and sections 137.037 and 137.720, from the general revenue fund of the county or other sources for the purpose of funding the costs and expenses incurred in implementing an assessment and equalization maintenance plan approved under section 137.115 and for assessing real and personal property.

3. All counties and cities not within a county seeking state funds under this section shall submit a certified copy of their costs and expenses to the commissioner of the office of administration not later than the thirtieth day of the quarter immediately following the quarter for which such state funds are sought. The commissioner of the office of administration shall, in such form as may



be prescribed by rule, certify that the county requests for reimbursement are consistent with the assessment and equalization maintenance plan approved by the state tax commission as provided in section 137.115, and shall pay the state's share out of funds appropriated for that purpose quarterly to each eligible county and city to reimburse such county or city for reimbursable costs and expenses incurred in the previous calendar quarter.

4. (1) The following costs and expenses shall not qualify for state reimbursement or reimbursement from tax moneys withheld from political subdivisions:

(a) Premiums for property and casualty insurance and liability insurance;

(b) Depreciation, interest, building and ground maintenance, fuel and utility costs, and other indirect expenses which can be classified as the overhead expenses of the assessor's office;

(c) Purchases of motor vehicles;

(2) Costs and expenses which shall qualify for state reimbursement, but only if identified in the county maintenance plan and subsequently specifically approved by the state tax commission, shall include:

(a) Salaries and benefits of data processing and legal personnel not directly employed by the assessor;

(b) Costs and expenses for computer software, hardware, and maintenance;

(c) Costs and expenses of any additional office space made necessary in order to carry out the county's maintenance plan;

(d) Costs of leased equipment;

(e) Costs of aerial photography."; and

Further amend said bill, Page 5, Section 137.1030, Line 5, by inserting after all of said line the following:

"138.395. The state tax commission shall notify each school district of the equivalent sales ratio for the previous year adopted for determining the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions of school foundation formula

funds at least thirty days [prior to] **before** the certification of such ratio to the department of elementary and secondary education, and shall provide the school district an opportunity for a meeting with the commission, or a duly authorized agent [thereof] **of the commission**, on such ratio [prior to] **before** such certification. [Prior to January 1, 1997, in certifying said ratios to the department of elementary and secondary education, the commission shall certify all ratios at thirty-three and one-third percent.] On and after January 1, 1997, in certifying such ratios to the department of elementary and secondary education, the commission shall certify all ratios higher than thirty-one [and two-thirds] percent at thirty-three and one-third percent. On and after January 1, 1998, if the state tax commission, after performing the computation of equivalent sales ratio for the county and recomputing such computation to ensure accuracy, finds that such equivalent sales ratio for the county is less than or equal to thirty-one [and two-thirds] percent **and has been for the two preceding years**, the state tax commission shall reduce the county's reimbursement by fifteen percent the following year if it is not corrected by subsequent action of the state tax commission."

#### HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property

in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his or her care, charge or management, and all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer,

computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and

which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within

thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such

property.

**11. There shall be a homestead exemption on certain properties as follows:**

**(1) Any person owning and residing on real property which qualifies as a homestead, as defined in section 135.010, RSMo, who is at least sixty-five years of age shall be granted a homestead exemption under the authority granted pursuant to section 6(a) of article X of the Missouri Constitution for the years succeeding the year in which the exemption is filed and in the manner and amount prescribed in this subsection;**

**(2) The exemption shall be for that portion of the assessed valuation of the homestead which exceeds the assessed valuation of the homestead in the year the owner reaches sixty-five years of age or on the effective date of this section, whichever is later;**

**(3) An eligible property owner may file for such an exemption with the county clerk on a form provided by the state tax commission by June first of the year preceding the first year for which the exemption is to be made. The property owner filing the form shall sign such form attesting to the truth of the information provided by such owner. If the property for which the homestead exemption is sought has joint owners, then any such joint owner may file for the exemption. When any joint owner has elected to file for an exemption all other joint owners shall be bound by such election and the other joint owners shall not subsequently be eligible to file for an exemption for the jointly owned property. No provisions of this section shall be construed to deny the granting of an exemption to property owned by married joint owners when only one of such owners is eligible for the exemption. The applicant shall file a copy of the person's birth certificate with the county clerk to establish eligibility for the exemption. Once an exemption has been granted, the property owners who filed for the exemption shall not be required to refile for any succeeding year and the property shall remain exempted unless or until the property has a new owner or pursuant to subdivision (6) of this**

**subsection;**

**(4) The county clerk shall verify from the birth certificate and form that the applicant is eligible for such exemption, and if the applicant is so eligible, the county clerk shall notify the county assessor, county collector and the state tax commission. In addition, the county clerk shall annually deliver to each political subdivision or other taxing jurisdiction which has levied ad valorem property taxes on the properties for which exemptions are granted under this section a listing of each parcel of real property for which the exemptions are granted;**

**(5) Any exemption granted pursuant to this subsection shall have no effect on the tax levied for the blind pension fund, pursuant to section 38(b) of article III of the Missouri Constitution, on the property for which the exemption is granted. The tax, however, shall not be collected from the person granted the exemption but a payment in lieu of such tax shall be made by the county within which such property lies. The county shall be reimbursed pursuant to subdivision (5) of this subsection for any revenues lost due to this subdivision;**

**(6) Pursuant to the requirements of sections 6(a) and 16 of article X of the Missouri Constitution, any taxing jurisdiction or political subdivision shall recover the loss of revenue caused by this subsection from the state. The state tax commission shall certify to the commissioner of administration to issue vouchers to any such taxing jurisdiction or political subdivision upon the availability of appropriations. Each calendar year beginning in 1998 the state tax commission shall estimate the total loss of revenue to all taxing jurisdictions and political subdivisions in the next succeeding year resulting from the homestead exemptions granted in the current year. The state tax commission shall report such estimate to the general assembly before February first of every year. If the general assembly determines there will be insufficient total state revenues, as defined by section 17 of article X of the Missouri Constitution, for the**

**taxing jurisdictions and political subdivisions of the state to recover the estimated loss of revenue caused by the homestead exemption the general assembly may declare that there will be no homestead exemption for the succeeding year.";** and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO  
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Bill No. 219, Page 4, Line 120, by inserting after the word "later;" the following:

**"(3) Any owner of the real property has a Missouri adjusted gross income not in excess of twenty-five thousand dollars on the most recently filed single return or not in excess of fifty thousand dollars on the most recently filed combined return; and**

**(4) The owner of the real property attests that the property shall, in the year for which the homestead exemption is requested, have no improvements or new construction made to such property which have a value equal to fifteen percent or greater of the property's market value prior to the improvements or new construction.";** and

Further amend said bill by renumbering the section.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 219, Page 1, In the Title, by adding the section "**137.100**"; and

Further amend said bill, page 1, section A, line 1, by adding section "**137.100**"; and

Further amend said bill, page 1, line 1, by deleting the word "twelve" and inserting in lieu thereof "**thirteen**"; and

Further amend said bill, page 1, line 2, by adding the section "**137.100**"; and

Further amend said bill, page 1, section 137.1000, line 1, by adding said section:

"Section A. Section 137.100, RSMo 1994, is repealed and one new section enacted in lieu thereof to be known as section 137.100, to read as follows:

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for-profit agribusiness associations;**

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 219, Page 5, Section 137.1030, Line 5 by inserting after all of said section the following:

"138.430. 1. Every owner of real property or tangible personal property shall have the right to appeal from the local boards of equalization to the state tax commission under rules prescribed by the

state tax commission, within the time prescribed in this chapter or thirty days following the final action of the local board of equalization, whichever date later occurs, concerning all questions and disputes involving the assessment against such property, the correct valuation to be placed on such property, the method or formula used in determining the valuation of such property, or the assignment of a discriminatory assessment to such property. The commission shall investigate all such appeals and shall correct any assessment or valuation which is shown to be unlawful, unfair, improper, arbitrary or capricious. Any person aggrieved by the decision of the commission may seek review as provided in chapter 536, RSMo.

2. In order to investigate such appeals, the commission may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property. The commission may make its decision regarding the assessment or valuation of the property based solely upon its inquiry and any evidence presented by the parties to the commission, or based solely upon evidence presented by the parties to the commission.

3. Every owner of real property or tangible personal property shall have the right to appeal to the circuit court of the county in which the collector maintains his office, from the decision of the local board of equalization not later than thirty days after the final decision of the board of equalization concerning all questions and disputes involving the exclusion or exemption of such property from assessment or from the tax rolls pursuant to the Constitution of the United States or the constitution or laws of this state, or of the taxable situs of such property. The appeal shall be as a trial de novo in the manner prescribed for nonjury civil proceedings.

4. Upon the timely filing of an appeal as provided in this section, the state tax commission or the clerk of the circuit court, as applicable, shall send to the county collector to whom the taxes on the property involved would be due, a notice that an appeal has been filed, which notice shall contain

the name and address of the taxpayer filing the appeal.

5. If the circuit court, after review of the appeal, finds that the appeal is not a proper subject for the appeal to the circuit court as provided in subsection 3 of this section, it shall transfer the appeal to the state tax commission for consideration.

**6. Upon a determination that the assessor's decision was frivolous, the taxpayer shall be awarded costs of appeal and reasonable attorney's fees.";** and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

**"Section 1. In the event that an assessor incorrectly or inaccurately assesses real or personal property of a taxpayer, the assessor shall refund to the affected taxpayer any taxes which where found to be incorrectly or inaccurately levied together with interest at a rate provided for in section 32.065, RSMo.;"** and

Further amend the title and enacting clause accordingly.

#### HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by inserting after said line the following:

**"Section 1. Beginning January 1, 2000, no county or any other political subdivision shall increase its property tax revenues in excess of those defined pursuant to section 22 of Article X of the Missouri Constitution, other than through the vote of the people or through new construction.";** and

Further amend the title and enacting clause accordingly.

## HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 219, Page 6, Section 138.431, Line 30, by adding after said line the following:

**"Section 1. Any waiver of a property tax rollback as provided in section 164.013, RSMo, shall only apply to the total assessments of the year in which the waiver of the rollback was approved.";**

Further amend the title and enacting clause 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 **SS** for **SCS** for **SB 467**.

With House Amendments Nos. 1 and 2.

## HOUSE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 467, Page 5, Section 50.1030, Line 48, by deleting the phrase "**subsection 4 of**"; and

Further amend said bill, Page 7, Section 50.1040, Lines 3 and 4 by deleting the phrase "**subdivision (9) of**"; and

Further amend said bill, Page 11, Section 50.1090, Line 62, by deleting the number "50.1200" and inserting in lieu thereof the following: "[50.1200] **50.1300**"; and

Further amend said bill, Page 11, Section 50.1090, Line 73, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**"; and

Further amend said bill, Page 11, Section 50.1090, Line 79, by deleting the phrase "**section 50.1090**" and inserting in lieu thereof the phrase "**this section**".

## HOUSE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee

Substitute for Senate Bill No. 467, Page 4, Section 50.1030, Lines 3, 4 and 5, by deleting all of said lines and inserting in lieu thereof the following: "**system** are vested in a board of directors of [nine] **eleven** persons. **Nine** directors shall be elected by a secret ballot vote of the county employee members of this state. **Two directors, who have no beneficiary interest in the system, shall be appointed by the governor, with the advice and consent of the Senate.** No more than one director at any one time shall be [a representative of] **employed by the same elected county**"; and

Further amend said bill, Page 4, Section 50.1030, Line 7, by inserting an opening bracket "[" immediately in front of the word "except"; and

Further amend said bill, Page 4, Section 50.1030, Line 10, by inserting a closing bracket "]" immediately after the word "year"; and

Further amend said bill, Page 4, Section 50.1030, Line 11, by deleting the word "initial" and inserting in lieu thereof the word "[initial]".

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 **SS** for **SB 309**.

Bill ordered enrolled.

**REPORTS OF STANDING COMMITTEES**

Senator Johnson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

## SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 261, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with a termination

date"; and

Further amend said bill, Page 1, Section 94.655, Line 6, by inserting after all of said line the following:

"Section B. The provisions of sections 94.600 to 94.655 shall expire on December 31, 2004."

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HB 346**, begs leave to report that it has considered the same and recommends that the bill do pass.

### RESOLUTIONS

Senator Clay offered Senate Resolution No. 736, regarding the New Sunny Mount Baptist Church, St. Louis, which was adopted.

Senator Westfall offered Senate Resolution No. 737, regarding Ethan Mark, Pierce City, which was adopted.

### BILLS DELIVERED TO THE GOVERNOR

**SB 443**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

### INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Dusty Grooms, Alicia Bizzell, Melinda Odom and Kelonia Clay, Caruthersville; and Melinda and Kelonia were made honorary pages.

On behalf of Senator Stoll and himself, Senator Staples introduced to the Senate, seventh grade students from Sunrise School, DeSoto; and Seth Sylvester, Kyle Porter, Heather Allen and Tyler Jackson were made honorary pages.

Senator Maxwell introduced to the Senate, Kristi, Savannah and Madison Smith, Kansas; Jeff Stack, Columbia; and Tom Block, St. Louis.

Senator DePasco introduced to the Senate,

thirty-four seventh and eighth grade students from Nativity School, Independence; and Megan Carnes, Emilie Pribyl, Andrea Minton and Mark Schuber were made honorary pages.

Senator Sims introduced to the Senate, Deborah Willis and thirty-two fourth grade students from Community School, St. Louis.

Senator Steelman introduced to the Senate, Ginny Dumond, Joplin.

Senator Rohrbach introduced to the Senate, Billie Litton and eighth grade students from Blackwater R-II School, Blackwater.

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Robert Schneider, D.O., Memphis.

Senator Westfall introduced to the Senate, Mrs. Feree, Mrs. Mutch, Mrs. Rice and one hundred fourth grade students from Truman Elementary School, Nevada; and D.J. McQuay, Jake Holmes, Becky Arneson and Drew Shepherd were made honorary pages.

Senator Graves introduced to the Senate, Wayne Taylor, Paul Jones, Roberta Aley, Roy Brown, Earl Baker and Linda Pitzenberger, Nodaway County.

Senator DePasco introduced to the Senate, thirty-five seventh grade students from Messiah Lutheran School, Independence; and Emmalee Miller, Jennifer Holloway and Jessica Stewart were made honorary pages.

Senator Caskey introduced to the Senate, Ann Sullivan and thirty-five eighth grade students from Strasburg School, Strasburg.

Senator Stoll introduced to the Senate, Monica Bates and fifteen sixth grade students from St. John's Lutheran School, Arnold.

Senator Caskey introduced to the Senate, Wendy and Wendell Ivers, Belton.

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



SENATE CALENDAR

SIXTY-FIRST DAY—WEDNESDAY, APRIL 28, 1999

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 472-House  
(In Budget Control)  
SCS for SB 440-Schneider  
(In Budget Control)

SS for SCS for SBs 347,  
40, 241 & 301-House  
(In Budget Control)  
SS for SCS for SBs 75,  
381 & 204-Wiggins  
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 274-House, et al, with SCS
2. SBs 18, 49 & 167-  
Goode, et al, with SCS
3. SBs 398 & 376-Maxwell,  
with SCS
4. SB 507-Childers
5. SB 413-Johnson, et al
6. SJR 16-Schneider, with SCS
7. SB 98-Kenney
8. SJR 29-Caskey
9. SB 16-Mathewson,  
et al, with SCA 1
10. SB 52-Klarich and Flotron
11. SB 236-Stoll
12. SB 447-Stoll

HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 618-  
Harlan, with SCS  
(Maxwell)
2. HCS for HB 888, with  
SCS (Mathewson)
3. HCS for HB 349, with  
SCS (Clay)
4. HJR 5-Barry, et al,  
with SCA 1 (Stoll)
5. HS for HB 450-Relford,  
with SCS (Maxwell)
6. HB 468-Koller, with  
SCS (Staples)
7. HCS for HB 676, with  
SCS (Stoll)  
(In Budget Control)
8. HS for HB 162-  
Luetkenhaus (House)

- |   |  |
|---|--|
| <p>9. HB 65-O'Toole and May<br/>(108th), with SCS<br/>(Scott)</p> <p>10. HB 779-Skaggs, with<br/>SCS (Quick)</p> <p>11. HS for HCS for HBs 427, 40,<br/>196 &amp; 404-Luetkenhaus, with<br/>SCS (House)</p> <p>12. HS for HB 516-Gaw,<br/>with SCS (Jacob)<br/>(In Budget Control)</p> <p>13. HCS for HB 139, with<br/>SCS (Russell)</p> <p>14. HB 401-Barry, et al,<br/>with SCS (Caskey)<br/>(In Budget Control)</p> <p>15. HCS for HB 490 &amp; HCS<br/>for HB 308, with SCS (Sims)<br/>(In Budget Control)</p> <p>16. HB 542-Barry, with<br/>SCS (House)</p> <p>17. HB 191-Dougherty,<br/>et al, with SCS<br/>(Maxwell)<br/>(In Budget Control)</p> <p>18. HCS for HB 267, with<br/>SCS (Scott)<br/>(In Budget Control)</p> <p>19. HS for HCS for HB 852-<br/>Hosmer, with SCS<br/>(Caskey)<br/>(In Budget Control)</p> <p>20. HS for HCS for HB 701-<br/>Rizzo, with SCS<br/>(In Budget Control)</p> | <p>21. HCS for HB 60, with SCS</p> <p>22. HCS for HBs 316, 660<br/>&amp; 203, with SCS<br/>(Howard)<br/>(In Budget Control)</p> <p>23. HS for HCS for HBs<br/>246 &amp; 405-Bray,<br/>with SCS (Clay)<br/>(In Budget Control)</p> <p>24. HB 541-Kreider, et al<br/>(Mathewson)</p> <p>25. HCS for HB 889<br/>(In Budget Control)</p> <p>26. HCS for HBs 603, 722<br/>&amp; 783, with SCS<br/>(Goode)<br/>(In Budget Control)</p> <p>27. HCS for HB 780, with<br/>SCS (Stoll)</p> <p>28. HS for HCS for HB 793-<br/>Treadway, with SCS<br/>(Mathewson)<br/>(In Budget Control)</p> <p>29. HB 368-Murray and<br/>Franklin, with SCS<br/>(Goode)</p> <p>30. HB 64-Long (Russell)</p> <p>31. HS for HB 454-Carter,<br/>with SCS (Banks)</p> <p>32. HS for HCS for HB 822-<br/>Liese, with SCS (Clay)<br/>(In Budget Control)</p> <p>33. HCS for HBs 321 &amp; 493,<br/>with SCAs 1 &amp; 2 (Jacob)</p> |
|---|--|

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 425-Stoll, et al

SENATE BILLS FOR PERFECTION

SB 5-Wiggins, with SS,  
SA 2 & point of order  
(pending)

SB 30-Howard, with SCS  
(pending)

SB 78-Russell, with SA 4  
(pending)

SB 97-Maxwell and Sims

SB 179-Goode, with SA 3 &  
SSA 1 for SA 3 (pending)

SB 203-Wiggins

SB 208-House, with SCS &  
SS for SCS (pending)

SB 235-Stoll, with SS &  
SA 2 (pending)

SB 316-Schneider and  
Ehlmann

SB 318-Jacob, et al, with  
SCS & SS for SCS  
(pending)

SB 336-Caskey, with SS#2  
(pending)

SB 339-Howard and Sims,  
with SCS & SS#2 for  
SCS (pending)

SB 345-Johnson, with SS  
(pending)

SB 397-Maxwell, with SCS

SB 417-Quick, with SS#2 &  
SA 1 (pending)

SBs 429, 430 & 407-Jacob,  
with SCS & SA 2  
(pending)

HOUSE BILLS ON THIRD READING

HCS for HB 343, with SCS  
(pending) (Caskey)

CONSENT CALENDAR

House Bills

Reported 4/13

HB 775-Hosmer, with SCS  
(Bentley)

HB 867-McKenna, with  
SCA 1 (Scott)

HB 979-Auer (Scott)

HB 152-Leake, et al, with  
SCS (Maxwell)

Reported 4/14

HB 327-Parker (Caskey)  
HB 268-Crawford, et al  
(Caskey)

HS for HCS for HB 256-George (Caskey)  
HB 792-Kissell & McKenna,  
with SCS (Mathewson)

HB 261-Auer, with SCA 1 (Scott)  
 HB 346-Thompson (37th)  
 (Wiggins)  
 HB 300-Green (Staples)  
 HB 452-Boatright, et al  
 (Mathewson)

HB 680-Leake, et al, with  
 SCA 1 (Stoll)  
 HB 903-Auer (Jacob)  
 HB 926-Liese and Ward  
 (Jacob)

Reported 4/15

HB 326-Parker (Stoll)  
 HB 415-Vogel and Gratz,  
 with SCA 1 (Maxwell)  
 HB 812-Berkowitz, et al,  
 with SCS (Maxwell)  
 HB 866-Treadway, with SCS  
 (Scott)

HB 548-Kennedy, with SCS  
 (Wiggins)  
 HB 988-Backer (Wiggins)  
 HB 399-Bray (Wiggins)  
 HB 472-Nordwald (House)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 115-Russell, with HCA 1  
 SB 219-Caskey, with HCS,  
 as amended  
 SB 276-Caskey, with HCS  
 SCS for SB 334-Mathewson,  
 with HCS

SB 348-Wiggins, with HA 1,  
 as amended  
 SS for SCS for SB 467-  
 Caskey, with HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES

In Conference

SB 291-Caskey, with HS  
 for HCS, as amended  
 HCS for HB 2, with SCS  
 (Goode)  
 HCS for HB 3, with SCS  
 (Goode)

HCS for HB 4, with SCS,  
 as amended (Goode)  
 HCS for HB 5, with SCS,  
 as amended (Goode)  
 HCS for HB 6, with SCS,  
 as amended (Goode)

HCS for HB 7, with SCS  
(Goode)

HCS for HB 8, with SCS  
(Goode)

HCS for HB 9, with SCS  
(Goode)

HCS for HB 10, with SCS,  
as amended (Goode)

HCS for HB 11, with SCS,  
as amended (Goode)

HCS for HB 12, with SCS  
(Goode)

HB 248-Kissell, with SCS  
(Westfall)

HCS for HB 348, with SCS  
(Caskey)

Unofficial  
Requests to Recede or Grant Conference

HB 789-Berkstresser and  
Bartelsmeyer, with SCS  
(Childers)  
(House requests Senate  
recede or grant conference)

HCS for HCRs 6 & 7  
(Staples), with SA 1, as  
amended & SA 2  
(Senate refuses to recede  
and requests House grant  
conference)

Journal

RESOLUTIONS

SR 359-Ehlmann

SCR 9-Mueller

Reported from Committee  
Copy

HCR 11-Mays (Goode)

HCR 9-Bonner (DePasco)

SR 595-Flotron

HCR 28-Ransdall, with SCS  
(Goode)

HCR 21-Kissell & Kelly  
(27th), with SCS

HCS for HCR 19, with SCS  
(Caskey)

HCS for HCR 3, with SCS  
(Childers)

HCR 17-Barnett (Graves)

