

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—THURSDAY, MAY 6, 1999

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Almighty God: We call upon You this day that You might grant us the wisdom to see Your purpose in the many things to be accomplished by this Senate. Open our eyes to see and ears to hear that we might together find our path and walk in Your light in what at times seems like darkness. And grant that we might be witnesses to Your guiding brilliance in what is said and done here. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 20** was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Clay	Jacob	Schneider—4
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Absent with leave—Senator Staples—1

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 were referred **HS** for **HCS** for **HB 822**, with **SCS**; and **HCS** for **HB 676**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

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

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

Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**: Representatives Franklin, Green, Leake, Legan and Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has re-appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 291**, as amended: Representatives Dougherty, Monaco, Campbell, Hanaway and McClelland.

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 15** and has again taken up and passed **HB 15**, 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 16** and has again taken up and passed **HB 16**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 18**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House concurs in **SCA 2** to **HB 19**, but refuses to concur in **SCA 1** to **HB 19** and ask the Senate to recede from its position on **SCA 1** or failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended: Representatives Ladd Stokan, Treadway, Backer, Ross and Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2**, **HA 3** and **HA 4** to **SB 76** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SB 76**, as amended: Representatives Shelton, Gambaro, Carter, Gross and Bennett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS No. 2** for **SB 288**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS No. 2** for **SB 288**, as amended: Representatives McLuckie, Smith, Campbell, Hanaway and Gibbons.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 310**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 310**, as amended: Representatives Leake, Williams (159), Wiggins, Hegeman and Klindt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended: Representatives Harlan, Treadway, Schilling, Shields and Froelker.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 18**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Goode moved that the Senate refuse to recede from its position on **SCA 1** to **HB 19** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **SB 310**, as amended: Senators Maxwell, Johnson, Staples, Westfall and Steelman.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 338**, as amended: Senators

Howard, Mathewson, Scott, Sims and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 8** and **173**, as amended: Senators Banks, Wiggins, Jacob, Sims and Singleton.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SB 76**, with **HAs 1, 2, 3** and **4**: Senators Banks, Clay, Maxwell, Graves and Bentley.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 18**, as amended: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

President Pro Tem Quick appointed the following conference committee to act with a like committee from the House on **HB 19**, with **SCA 1**: Senators Goode, Maxwell, Wiggins, Russell and Westfall.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 10

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Dick Franklin
 /s/ Harry Wiggins /s/ Paula J. Carter
 /s/ Joe Maxwell /s/ Mike Schilling
 /s/ John T. Russell /s/ Charlie Shields
 /s/ Morris Westfall /s/ Jewell Patek

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

YEAS—Senators
 Banks Bentley Bland Caskey
 Childers DePasco Ehlmann Goode
 Graves House Howard Johnson
 Kenney Kinder Klarich Mathewson
 Maxwell Mueller Quick Rohrbach
 Russell Scott Sims Singleton
 Steelman Stoll Westfall Wiggins
 Yeckel—29

NAYS—Senators—None

Absent—Senators

Clay Flotron Jacob Schneider—4
 Absent with leave—Senator Staples—1

Senator Johnson assumed the Chair.

Senator Goode offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Conference Committee Substitute for House Bill No. 10, Page 39, Section 10.705, Line 3 of said page, by inserting after the word "infertility" a comma ","; and

Further amend said section, Page 41, Line 11 of said page, by striking out the comma "," and inserting in lieu thereof a semicolon ";"; and

Further amend said section, Page 42, Line 2 of said page, by striking out the word "infertility" and inserting in lieu thereof the word "infertility".

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

On motion of Senator Goode, **CCS** for **HB 10**, as amended by **SPA 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department

of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

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

YEAS—Senators
 Banks Bentley Bland Caskey
 Childers DePasco Ehlmann Flotron
 Goode Graves House Howard
 Johnson Kenney Kinder Klarich
 Mathewson Maxwell Mueller Rohrbach
 Russell Scott Sims Singleton
 Steelman Stoll Westfall Wiggins
 Yeckel—29

NAYS—Senators—None

Absent—Senators

Clay Jacob Quick Schneider—4
 Absent with leave—Senator Staples—1

Absent with leave—Senator Staples—1

The President declared the bill passed.

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

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

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 11

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do

recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11.

2. That the House recede from its position on House Committee Substitute for House Bill No. 11.

3. That the attached Conference Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode

/s/ Harry Wiggins

/s/ Joe Maxwell

/s/ John T. Russell

/s/ Morris Westfall

FOR THE HOUSE:

/s/ Dick Franklin

/s/ Charles Q. Troupe

/s/ Glenda Kelly

/s/ Pat Kelley

/s/ Ken Legan

Senator Wiggins assumed the Chair.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Clay	DePasco	Quick	Singleton—4
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Absent with leave—Senator Staples—1

On motion of Senator Goode, **CCS for HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided

in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1999 and ending June 30, 2000.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Clay	DePasco	Quick	Singleton—4
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Absent with leave—Senator Staples—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HB 343**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 343**, as amended, was again taken up.

Senator Johnson offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 100, Section 329.190, Line 6, by striking the words "fifty dollars" and inserting in lieu thereof the following: "**eighty percent of the federal per diem established by the Internal Revenue Service for Jefferson City, Missouri**";

and further amend line 7, by striking the following: "within the state,".

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

Senators Schneider and Maxwell offered SA 19:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 46, Section 324.228, Lines 1-6, by striking all of said lines and inserting in lieu thereof the following:

"324.228. Any rule or portion of a rule, as that term is defined in section 536.010,"; and

Further amend said bill, Pages 49-50, Section 324.245, Lines 24-29, by striking all of said lines and inserting in lieu thereof the following:

"3. Any rule or portion of a rule, as that term is defined in section 536.010," ; and

Further amend said bill, Page 68, Section 324.522, Lines 15-17, by striking all of said lines and inserting in lieu thereof the following:

"3. [No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 324.520 to 324.524 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the**

grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 74, Section 327.041, Lines 18-20, by striking all of said lines and inserting in lieu thereof the following: "the provisions of this chapter. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.**"; and

Further amend said bill, Page 118, Section 334.850, Line 25, by inserting at the end of said line the following: "**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 334.800 to 334.930 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are**

nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 127, Section 335.036, Line 27, by inserting an opening bracket "[" immediately before the word "promulgated"; and

Further amend said bill, Page 128, Section 335.036, Line 28, by inserting a closing bracket "]" immediately after the word and period "RSMo."; and

Further amend said bill, Page 128, Section 335.036, Lines 43-45, by striking all of said lines and inserting in lieu thereof the following:

"5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 139, Section 336.130, Line 38, by inserting after all of said line

the following:

"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 140, Section 337.050, Lines 65-66, by striking all of said lines and inserting in lieu thereof the following: "337.090. [No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo.] The committee may promulgate, by rule, "Ethical Rules of"; and

Further amend said bill, Page 150, Section 339.120, Lines 45-47, by striking all of said lines and inserting in lieu thereof the following:

"4. [No rule or portion of a rule promulgated under the authority of sections 339.010 to 339.180 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 339.010 to 339.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be

interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 163, Section 620.010, Lines 283-285, by striking all of said lines and inserting in lieu thereof the following:

"[20. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

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

Senator Stoll offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 148, Section 338.060, Line 43, by inserting after all

of said line the following:

"338.065. 1. After August 28, 1990, at such time as the final trial proceedings are concluded whereby a licensee or registrant has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony prosecution pursuant to the laws of the state of Missouri, the laws of any other state, territory or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of a licensee or registrant pursuant to this chapter or any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, the board of pharmacy may hold a disciplinary hearing to singly or in combination censure or place the [pharmacist] **licensee or registrant** 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, for a period not to exceed three years, or revoke the license, certificate, registration or permit.

2. Anyone who has been revoked or denied a license, permit or certificate to practice in another state may automatically be denied a license or permit to practice in this state. However, the board of pharmacy may establish other qualifications by which a person may ultimately be qualified and licensed to practice in Missouri.

338.100. 1. Every permit holder of a licensed pharmacy shall cause to be kept in a uniform fashion consistent with this section a suitable file in which shall be preserved, for a period of not less than five years, the original or order of each drug which has been compounded or dispensed at such pharmacy, [numbering, dating and filing them in the order in which they are compounded or dispensed] **according to and in compliance with standards provided by the board**, and shall produce the same in court or before any grand jury whenever lawfully required. A licensed pharmacy may maintain its prescription file on readable microfilm for records maintained over three years. After September, 1999, a licensed pharmacy may preserve prescription files on microfilm or by electronic media storage for records maintained

over three years. The pharmacist in charge shall be responsible for complying with the permit holder's record keeping system in compliance with this section. Records maintained by a pharmacy that contain medical or drug information on patients or their care shall be considered as confidential and shall only be released according to standards provided by the board. Upon request, the pharmacist in charge of such pharmacy shall furnish to the prescriber, and may furnish to the person for whom such prescription was compounded or dispensed, a true and correct copy of the original prescription. The file of original prescriptions and other confidential records, as defined by law, shall at all times be open for inspection by board of pharmacy representatives.

2. An institutional pharmacy located in a hospital shall be responsible for maintaining records of the transactions of the pharmacy as required by federal and state laws and as necessary to maintain adequate control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies where applicable to patients, nursing care units and to other departments or services of the institution. Inspection performed pursuant to this subsection shall be consistent with the provisions of section 197.100, RSMo." and

Further amend said bill, page 150, section 339.120, line 47, by inserting after all of said line the following:

"338.220. 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate or maintain any pharmacy, as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital outpatient pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Home health care;
- (5) Class E: Radiopharmaceutical;

(6) Class F: Renal dialysis;

(7) Class G: Medical gas;

(8) Class H: Sterile Product Compounding;

(9) Class I: Consultant Services.

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly."; and further amend the title and enacting clause accordingly.

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

Senator Kenney offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

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

"3. The provisions of sections 324.560 through 324.605 shall not apply to manufactured homes or modular homes as defined in Section 700.010."

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

Senator Stoll offered **SA 22**:

SENATE AMENDMENT NO. 22

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 "fifty"; and

Further amend said bill, Page 2, In the Title, Lines 1 and 2 of said page, by deleting the following: "and an expiration date for certain sections" and inserting in lieu thereof the following: ", an expiration date for certain sections and an emergency clause for a certain sections"; and

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

"Section B. One new sections is enacted, to be known as section 3, to read as follows:

Section 3. Notwithstanding any other provision of law to the contrary, a temporary license may be issued for no more than a twelve-month period by the appropriate licensing board to any otherwise qualified health care professional licensed in another state and who meets such other requirements as the licensing board may prescribe by rule and regulation, if the health care professional:

(1) Is acting pursuant to federal military orders under Title X for active duty personnel or Title XXII for military reservists; and

(2) Is enrolled in an accredited training program for trauma treatment and disaster response in a hospital in this state.

Section C. Because immediate action is necessary to provide temporary licensing for out-of-state health care professionals who are to be enrolled in a disaster training program pursuant to federal orders, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

Senator Stoll moved that the above amendment

be adopted, which motion prevailed.

Senator Bland offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 343, Page 107, Section 332.316, Line 26, by inserting after all of said line the following:

"332.321. 1. The board may refuse to issue any certificate of registration or authority, permit or license, or refuse to renew any such 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 **or the board may, as a condition to issuing or renewing any such certificate of registration or authority, permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327.** The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his **or her** 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 certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his **or her** 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;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution [under] **pursuant to** 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 [under] **pursuant to** this chapter, for any offense an essential element of

which is fraud, dishonesty or an act of violence, or 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 or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which [he] **the person** is entitled;

(e) Abrogating the copayment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the holder of a license and an insurance company, health service corporation or health maintenance organization licensed [under] **pursuant to** the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or

any lawful rule or regulation adopted pursuant to this chapter;

(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) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

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

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice [under] **pursuant to** this chapter;

(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 by 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. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including

consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee which can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;

(e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that [he] **the person** is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of";

(g) Any announcement containing any terms denoting or implying specialty areas which are not recognized by the American Dental Association;

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

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his **or her** office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting or tendering or paying "rebates" to or "splitting fees" with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized [under] **pursuant to** the provisions of chapter 356, RSMo, from distributing profits in accordance with his **or her** stated agreement;

(19) Administering, causing or permitting to be administered, nitrous oxide gas in any amount to himself **or herself**; or to another unless this administration is done as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when

directed shall constitute an admission of the allegations against him **or her**, unless the failure was due to circumstances beyond his **or her** control. A dentist, specialist or hygienist whose right to practice has been affected [under] **pursuant to** this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he **or she** can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding [under] **pursuant to** this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings [under] **pursuant to** this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) 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 following: denying his **or her** application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his **or her** license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his **or her** license to practice as a dentist, specialist or hygienist; requiring him **or her** to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; **or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section 332.327.** For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the 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, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm 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

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third party payor who shall have paid in whole or in part a claim or payment which they should be reimbursed for where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one which was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. Notwithstanding any other provisions of section 332.071 or of this section, a duly registered and currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices in violation of this section or violate any other provision of this chapter.

5. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of [his] **the attorney general's** assistants designated by [him] **the attorney general** or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

6. If at any time when any disciplinary sanctions have been imposed [under] **pursuant to** this section or [under] **pursuant to** any provision of this chapter, the licensee removes himself **or herself** from the state of Missouri, ceases to be currently licensed [under] **pursuant to** the provisions of this chapter, or fails to keep the Missouri dental board advised of his **or her** current place of business and residence, the time of his **or**

her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

332.327. 1. The board may establish an impaired dentist or dental hygienist committee, to be designated as the well-being committee, to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The board may promulgate administrative rules subject to the provisions of this section and chapter 536, RSMo, to effectuate and implement any committee formed pursuant to this section. The board may expend appropriated funds necessary to provide for operational expenses of the committee formed pursuant to this section. Any member of the well-being committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee, or by any individual member of the committee.

2. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the well-being committee, as well as communications to or from the committee, any findings, conclusions, interventions, treatment, rehabilitation or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential.

3. All records and proceedings of the well-being committee which pertain or refer to a licensee who may be, or who actually is,

impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records pursuant to chapter 610, RSMo, and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal or administrative proceedings except as provided in subsection 4 of this section.

4. The well-being committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board; or

(4) The information is subject to a court order."; and

Further amend the title and enacting clause accordingly.

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

Senator Yeckel offered SA 24:

SENATE AMENDMENT NO. 24

Amend Senate Committee Substitute for House Committee Substitute for House bill No. 343, Page 133, Section 335.061, Line 1, by inserting after the number "335.061." the number "1."; and

Further amend said bill, Page 133, Line 5, by deleting the words "[an inactive]" and inserting in lieu thereof the words "an inactive"; and

Further amend said bill, Page 133, Line 6, by deleting the words "**a lapsed**"; and

Further amend said bill, Page 133, Line 9, by inserting after all of said line the following:

"2. Any licensee who allows his or her

license to lapse by failing to renew the license as provided in sections 335.011 to 335.096 shall be reinstated as provided by this chapter and by rule and regulation. The board may by rule and regulation provide for a lapsed license status. In the event the board shall refuse to renew the license pursuant to one of the provisions of this section and related requirements for relicensure, the individual may appeal to the administrative hearing commission pursuant to the provisions of sections 621.120, RSMo."

Senator Kinder offered SA 25:

SENATE AMENDMENT NO. 25

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

"Section 3. 1. The president or secretary of the board of nursing may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The board may enforce its subpoenas, including subpoena duces tecum, by applying to a circuit court of Cole County, the county of the investigation, hearing or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which such order and a copy of the application therefore shall be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court."; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey moved that **SCS for HCS for HB 343**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close on the bill.

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

Senator Jacob announced that photographers from the Senate, KOMU-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

HCS for HB 888, with **SCS**, entitled:

An Act to repeal sections 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof six new sections relating to rural agricultural businesses, with an emergency clause.

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

SCS for HCS for HB 888, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 888

An Act to repeal sections 348.020 and 348.060, RSMo 1994, and sections 348.406, 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof twelve new sections relating to rural agricultural businesses, with an emergency clause and an expiration date for certain sections.

Was taken up.

Senator Mathewson moved that **SCS for HCS for HB 888** be adopted.

Senator Mathewson offered **SS for SCS for HCS for HB 888**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 888

An Act to repeal sections 348.020 and 348.060, RSMo 1994, and sections 348.406, 348.407, 348.408 and 348.410, RSMo Supp. 1998, relating to the Missouri agricultural and small business development authority, and to enact in lieu thereof thirteen new sections relating to rural agricultural businesses, with an emergency clause and an expiration date for certain sections.

Senator Mathewson moved that **SS** for **SCS** for **HCS** for **HB 888** be adopted.

At the request of Senator Mathewson, **HCS** for **HB 888**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Jacob, the Senate recessed until 1:30 p.m.

RECESS

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

HOUSE BILLS ON THIRD READING

HCS for **HB 676**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 516**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Russell, **HCS** for **HB 139**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Caskey, **HB 401**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 490** and **HCS** for **HB 308**, with **SCS**, were placed on the Informal Calendar.

HB 542, with **SCS**, was placed on the Informal Calendar.

HB 191, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 701**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 60**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 316, 660 and 203**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mathewson, **HB 541** was placed on the Informal Calendar.

At the request of Senator Stoll, **HCS** for **HB 780**, with **SCS**, was placed on the Informal Calendar.

Senator Mathewson moved that **HCS** for **HB 888**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 888** was again taken up.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 6, Section 348.407, Lines 4 and 6, by striking the word "authority" on said lines and inserting in lieu thereof the word "**department**"; and

Further amend said bill, page and section, lines 8-11, by striking all of said lines and inserting in lieu thereof the following:

"15. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 348.005 to 348.180 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are

subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."

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

Senator Johnson assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 10, Section 1, Line 25 of said page, by inserting immediately after said line the following: "**Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.**".

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

Senator Mathewson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 13, Section 6, Line 26, by striking the words "seed capital investment board" and inserting in lieu thereof the following: "**agricultural and small business development authority**"; and

Further amend said page and section, line 28, by striking the word "board" and inserting in lieu thereof the word "**authority**".

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

Senator Rohrbach offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 3, Section 348.407, Line 26 of said page, by striking ", equity investments"; and further amend said section, page 4, lines 2 to 5 of said page, by striking all of said lines and inserting in lieu thereof the following: "community."; and further amend said section, page 4 of said page, lines 23 and 24, by striking the

following ", equity investments"; and

Further amend said bill and section, page 5, line 3 of said page, by striking the words "investment or"; and

Further amend said bill, page 10, Section 1, line 12 of said page, by striking ", equity investments"; and further amend line 16 of said page, by striking ", equity investments"; and further amend line 18 of said page, by striking "investment or".

Senator Rohrbach moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 4, Section 348.407, Line 5, by adding: "and only after competitive bidding".

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

Senator Clay assumed the Chair.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "fifty".

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

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the

words "one hundred" and inserting in lieu thereof the word "fifty-five".

Senator Rohrbach moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Clay assumed the Chair.

Senator Graves offered **SSA 1** for **SA 7**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 888, Page 9, Section 1, Subsection 3, Line 5, by deleting on said line the words "one hundred" and inserting in lieu thereof the word "**seventy-five**".

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

Senator Mathewson moved that **SS** for **SCS** for **HCS** for **HB 888**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **HCS** for **HB 888**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Banks	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Mueller	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—26		

NAYS—Senators

Bentley	Flotron	Rohrbach—3
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Absent—Senators

Goode	Quick	Scott	Singleton—4
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Absent with leave—Senator Staples—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Banks	Bentley	Bland	Caskey
Childers	Clay	DePasco	Ehlmann
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Mathewson
Maxwell	Mueller	Russell	Schneider
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senators

Flotron	Klarich	Rohrbach	Sims—4
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Absent—Senators

Howard	Quick	Scott	Singleton—4
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Absent with leave—Senator Staples—1

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.

Senator Stoll moved that **HJR 5**, with **SCA 1** and **SSA 1** for **SCA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SCA 1** was again taken up.

Senator Kenney offered **SA 1** to **SSA 1** for **SCA 1**, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1 to House Joint Resolution No. 5, Page 1, Section 26(b), Line 3, by deleting the words ", primary" on said line.

Senator Kenney moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 2** to **SSA 1** for **SCA 1**, as amended, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 1 to House Joint Resolution No. 5, Page 1, Section 26(b), Line 2, by deleting the words "general municipal election" and further on line 3, by deleting the word "day" and the word "or".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Stoll, **HJR 5**, with **SCA 1**, **SSA 1** for **SCA 1**, as amended, and **SA 2** to **SSA 1** for **SCA 1**, as amended, was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 31** and **285**, as amended, and grants the Senate a conference thereon, and the conferees are allowed to exceed the differences in section 130.046 as to the filing dates of quarterly reports.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **HB 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 21** and has again taken

up and passed **SCS** for **HCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 16** and has again taken up and passed **SCS** for **HCR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 18**, as amended: Representatives Franklin, Lakin, Ford, Legan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 19**, as amended: Representatives Franklin, Schilling, Leake, Holand and Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 31** and **285**, as amended: Representatives Seigfreid, Days, Backer, Long and Hendrickson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 295** and **46**, entitled:

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendments Nos. 2, 3, 8 and 9.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page

1, In the Title, Line 2 after "537.705" by adding "537.740"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 9, by adding after "537.705" the following: ",537.740"; and

Further amend said bill, Page 1, Line 10, by deleting the word "five" and replacing it with the word "six"; and

Further amend said bill, Page 1, Line 12, by adding after "537.705," the following "537.740,"; and

Further amend said bill, Page 14, by inserting the following after Line 10:

"537.740 1. If contributions to the fund do not produce sufficient funds to pay any claims which may be due, the board shall assess and each member, including any member who has withdrawn but was a member in the year in which the assessment is required, shall pay such additional amounts which are each member's proportionate share of total claims allowed and due. **The board may abate or defer any part of the additional assessment of a member, if, in the opinion of the board, payment of the additional assessment would impair the ability of the member to fulfill its contractual obligations.** The provisions of this subsection shall apply retroactively to the creation of the Missouri public entity risk management fund.

2. The board, in order to carry out the purposes for which the fund is established, may select and employ, or contract with, persons experienced in insurance underwriting, accounting, the servicing of claims, and rate making, who shall serve at the board's pleasure, as technical advisors in establishing the annual contribution, or may call upon the director of the department of insurance for such services."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 14, Section

537.705, Line 10, by adding after "agents." Such compensation shall not be additional to the contribution to the fund.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 15, Section 537.705, Line 4, by deleting the word "The"; and

Further amend said bill, Page 15, Section 537.705, Line 5, by deleting all of said line and inserting in lieu thereof "January 1, 2000".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 295 and 46, Page 1, In the Title, Line 5 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, Page 1, Section A, Line 12 of said page, by deleting "537.756 and 1" and inserting in lieu thereof the following: "537.756, 1 and 2"; and

Further amend said bill, Page 15, Section 1, Line 5 of said page, by inserting after all of said line the following:

"Section 2. Upon request of the plaintiff in a negligence action against the department of transportation as defendant, the case shall be arbitrated by a panel of three arbiters pursuant to the provisions of chapter 435, RSMo."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 12

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.

2. That the House recede from its position on House Committee Substitute for House Bill No. 12.

3. That the attached Conference Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Timothy Green
/s/ Joe Maxwell	/s/ Scott B. Lakin
/s/ John T. Russell	/s/ Ken Legan
/s/ Morris Westfall	/s/ Chuck Gross

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

Senator Mathewson assumed the Chair.

Senator Clay offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on **HB 12** and request the House grant the Senate a further conference, which motion failed on a standing division vote.

Senator Goode moved that the conference committee report on **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Childers	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—30		

NAYS—Senators

Banks	Bland	Caskey	Clay—4
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Absent—Senators—None

Absent with leave—Senators—None

On motion of Senator Goode, **CCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1999 and ending June 30, 2000.

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

YEAS—Senators

Bentley	Childers	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—30		

NAYS—Senators

Banks	Bland	Caskey	Clay—4
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Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 13

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Committee Substitute for House Bill No. 13.
3. That the attached Conference Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode	/s/ Dick Franklin
/s/ Harry Wiggins	/s/ Timothy Green
/s/ Joe Maxwell	/s/ Sam Leake
/s/ John T. Russell	/s/ Ken Legan
/s/ Morris Westfall	/s/ Chuck Gross

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

YEAS—Senators

Bentley	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—32

NAYS—Senator Banks—1

Absent—Senator Bland—1

Absent with leave—Senators—None

On motion of Senator Goode, **CCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related service, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1999, and ending June 30, 2000.

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

YEAS—Senators

Bentley	Bland	Caskey	Childers
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—Senator Banks—1

Absent—Senator Quick—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

Senator Schneider moved that **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 295** and **46**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 295 and 46

An Act to repeal sections 537.610, 537.705 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1998, relating to sovereign immunity, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **HS** for **HCS** for **SCS** for **SBs 295** and **46**, as amended, be adopted.

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

HOUSE BILLS ON THIRD READING

Senator Stoll moved that **HJR 5**, with **SCA 1**, **SSA 1** for **SCA 1**, as amended, and **SA 2** to **SSA 1** for **SCA 1**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Wilson assumed the Chair.

SA 2 to **SSA 1** for **SCA 1**, as amended, was taken up.

Senator Stoll requested a roll call vote be taken on the adoption of the above amendment. He was joined in his request by Senators Klarich, Childers, Rohrbach and Westfall.

SA 2 to **SSA 1** for **SCA 1**, as amended, failed of adoption by the following vote:

YEAS—Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Schneider	Singleton
Steelman	Westfall—14		

NAYS—Senators

Bentley	Bland	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Maxwell	Scott
Sims	Staples	Stoll	Wiggins
Yeckel—17			

Absent—Senators

Banks	Mathewson	Quick—3
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Absent with leave—Senators—None

SSA 1 for **SCA 1**, as amended, was again taken up.

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

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

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 5, Page 2, Section 26(b), Line 9, by inserting after all of said line, the following: "**For the purpose of school district elections conducted pursuant to this section, the general assembly shall establish no more than one municipal election day in any one calendar year.**".

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

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Joint Resolution No. 5, Page 1, In the Title, Line 3, by striking the following: "school district bond elections" and inserting in lieu thereof the following: "education"; and

Further amend said bill, page 1, Preamble, lines 4-5, by striking all of said line and inserting in lieu thereof the following: "for adoption or rejection, the following amendments to be presented to the voters as separate questions to article VI and article IX of the Constitution of the state of Missouri:

Further amend said bill, page 2, Section 26(b), line 9, by inserting after all of said line the following:

"Section B. Section 2(a), article IX, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be submitted to the voters as a separate question, to be known as section 2(a), to read as follows:

Section 2(a). The supervision of instruction in the public schools shall be vested in a state board of education, consisting of eight lay members appointed by the governor, by and with the advice and consent of the senate; provided, that at no time shall more than four members be of the same political party. The term of office of each member shall be [eight] **four** years[, except the terms of the first appointees shall be from one to eight years, respectively]. While attending to the duties of their office, members shall be entitled to receive only actual expenses incurred, and a per diem fixed by law. **Members in office on the effective date of this section shall serve the remainder of the term to which they were appointed.**"; and further amend the title accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 2** is out of order as the amendment goes beyond the scope and purpose of the joint resolution.

The point of order was referred to the President

Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 336**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 336** was taken up.

Senator Caskey moved that **SS No. 2** for **SB 336** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS No. 2** for **SB 336** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Quick referred **SCS** for **HCS** for **HB 343**, as amended, to the Committee on State Budget Control.

CONFERENCE COMMITTEE APPOINTMENTS

The President Pro Tem appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 31** and **285**, as amended: Senators Howard, Maxwell, Caskey, Flotron and Rohrbach.

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:

James D. Johnson and Rita B. Hanks, as members of the Northwest Missouri State University Board of Regents;

Also,

Kay Lynne Myers, as a member of the Children's Trust Fund Board;

Also,

Theodore A. Pruess, as a member of the Seismic Safety Commission;

Also,

Susan C. J. Rollins, as a member of the Missouri Housing Development Commission;

Also,

Robert W. Cary and William B. Siebenborn, as members of the State Milk Board;

Also,

Reginald L. Bassa, as a member of the Missouri Veterans' Commission;

Also,

Joanne M. Collins, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Derotha G. Skaggs, Charles "Gil" Gopley and Daniel L. Vornberg, as members of the Advisory Committee on Lead Poisoning;

Also,

Suzanne B. Hoffman, as a member of the Missouri Commission on Human Rights;

Also,

Lynne R. Nikolaisen and Robert C. Smith, as members of the Missouri Gaming Commission;

Also,

Frank E. Wiles, as a member of the State Banking Board;

Also,

Thomas I. Watkins, as a member of the Board of Geologist Registration;

Also,

Mary K. Findley, as a member of the Coordinating Board for Higher Education;

Also,

Gene R. Brown, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Mary L. Richter, as a member of the Missouri

Head Injury Advisory Council;

Also,

Richard "Dick" Hanson, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Richard "Dick" Hanson, as a member of the Missouri State Public Employees Deferred Compensation Commission.

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.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 803, regarding Theodora M. Savetz, Manchester, which was adopted.

Senators Clay and Banks offered Senate Resolution No. 804, regarding Reverend Jesse L. Jackson, Sr., which was adopted.

Senator Graves offered Senate Resolution No. 805, regarding the One Hundred Fourth Birthday of Rhoda Newman, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 806, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James D. Alexander, Linneus, which was adopted.

Senator Graves offered Senate Resolution No. 807, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Keller, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 808, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold Ellwood, Turney, which was adopted.

Senator Graves offered Senate Resolution No. 809, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn Coleman, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 810, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack L. Buntin, Stanberry, which was adopted.

Senator Maxwell offered Senate Resolution No. 811, regarding Dustin Kyle Daum, Centralia, which was adopted.

Senator Maxwell offered Senate Resolution No. 812, regarding the Special Supplemental Nutrition Program for Women, Infants, and Children, which was adopted.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
May 6, 1999

TO THE SECRETARY OF THE SENATE
90th GENERAL ASSEMBLY
STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 240, 226, and 229 entitled:

AN ACT

To repeal section 67.1360, RSMo Supp. 1998, relating to local sales tax for tourism, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On May 6, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 240, 226, and

229.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 6, 1999

TO THE SECRETARY OF THE SENATE
90th GENERAL ASSEMBLY
STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 275 entitled:

AN ACT

To repeal sections 56.065, 56.151 and 56.755, RSMo 1994, and sections 56.066, 56.067, 56.265, 56.363, 56.365 and 56.765, RSMo Supp. 1998, relating to prosecution services, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections.

On May 6, 1999, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 275.

Respectfully submitted,
MEL CARNAHAN
Governor

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Steve Halpin, M.D. and his son, Jared, Hannibal.

Senator Caskey introduced to the Senate, Carol Bohl and sixteen eighth grade students from Harrisonville Christian School, Harrisonville.

On motion of Senator DePasco, the Senate adjourned until 9:30 a.m., Friday, May 7, 1999.

SENATE CALENDAR

SIXTY-EIGHTH DAY—FRIDAY, MAY 7, 1999

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 472-House
SCS for SB 440-Schneider
(In Budget Control)

SS for SCS for SBs 347, 40, 241
& 301-House
SS for SCS for SBs 75,
381 & 204-Wiggins

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. HCS for HB 267, with
SCS (Scott)
(In Budget Control)
2. HS for HCS for HB 852-
Hosmer, with SCS
(Caskey)
(In Budget Control)
3. HS for HCS for HBs
246 & 405-Bray,
with SCS (Clay)
(In Budget Control)
4. HCS for HB 889 (Stoll)
(In Budget Control)
5. HCS for HBs 603, 722
& 783, with SCS (Goode)
(In Budget Control)
6. HS for HCS for HB 793-
Treadway, with SCS
(Mathewson)
7. HB 368-Murray and
Franklin, with SCS
(Goode)
8. HB 64-Long (Russell)
9. HS for HCS for HB 822-
Liese, with SCS (Clay)
10. HCS for HBs 321 & 493,
with SCAs 1 & 2
(Jacob)
11. HCS for HBs 192 & 945,
with SCS (Maxwell)
12. HCS for HB 389, with
SCS (Klarich)
13. HCS for HB 599, with
SCS (Jacob)
14. HCS for HBs 430 & 648,
with SCS (Quick)

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 316-Schneider and Ehlmann
SB 30-Howard, with SCS (pending)	SB 318-Jacob, et al, with SCS & SS for SCS (pending)
SB 78-Russell, with SA 4 (pending)	SB 339-Howard and Sims, with SCS & SS#2 for SCS (pending)
SB 97-Maxwell and Sims	SB 345-Johnson, with SS (pending)
SB 179-Goode, with SA 3 & SSA 1 for SA 3 (pending)	SB 397-Maxwell, with SCS
SB 203-Wiggins	SB 417-Quick, with SS#2 & SA 1 (pending)
SB 208-House, with SCS & SS for SCS (pending)	SBs 429, 430 & 407-Jacob, with SCS & SA 2 (pending)
SB 235-Stoll, with SS & SA 2 (pending)	

HOUSE BILLS ON THIRD READING

HCS for HB 60, with SCS (Staples)	HB 468-Koller, with SCS (pending) (Staples)
HCS for HB 139, with SCS (Russell)	HCS for HB 490 & HCS for HB 308, with SCS (Sims)
HS for HB 162-Luetkenhaus (House)	HS for HB 516-Gaw, with SCS (Jacob)
HB 191-Dougherty, et al, with SCS (Maxwell)	HB 541-Kreider, et al (Mathewson)
HCS for HBs 316, 660 & 203, with SCS (Howard)	HB 542-Barry, with SCS (House)
SCS for HCS for HB 343 (Caskey) (In Budget Control)	HS for HCS for HB 618- Harlan, with SCS, SS for SCS & SA 6 (pending) (Maxwell)
HCS for HB 349, with SCS & SS for SCS (pending) (Clay)	HCS for HB 676, with SCS (Stoll)
HB 401-Barry, et al, with SCS (Caskey)	HS for HCS for HB 701- Rizzo, with SCS (Mathewson)
HS for HB 450-Relford, with SCS (Maxwell)	

HB 779-Skaggs, with SCS
(Quick)
HCS for HB 780, with SCS
(Stoll)

HJR 5-Barry, et al, with
SA 2 & point of order
(pending) (Stoll)

CONSENT CALENDAR

House Bills

Reported 4/13

HB 775-Hosmer, with SCS
(Bentley)

Reported 4/14

HB 680-Leake, et al, with
SCA 1 (Stoll)
HB 903-Auer (Jacob)

HB 926-Liese and Ward
(Jacob)

Reported 4/15

HB 812-Berkowitz, et al,
with SCS (Maxwell)
HB 988-Backer (Wiggins)

HB 399-Bray (Wiggins)
HB 472-Nordwald (House)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 115-Russell, with HCA 1
SB 196-DePasco, with HCS,
as amended
SB 294-Staples, with HA 1,
HA 2, HA 3, HA 4,
HA 6 & HA 7

SCS for SBs 295 & 46-
Schneider, et al, with
HS for HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SBs 8 & 173-Banks, with HS for HCS, as amended	SB 310-Maxwell, with HS, as amended
SCS for SBs 31 & 285-Howard, with HCS, as amended	SS for SCS for SB 338- Howard and Sims, with
SB 76-Banks, with HA 1, HA 2, HA 3 & HA 4	HS for HCS, as amended
SB 219-Caskey, with HCS, as amended	SCS for SB 436-Quick, with HS for HCS, as amended
SS#2 for SB 288-Quick, with HCS, as amended	HCS for HB 18, with SCS, as amended (Goode)
SB 291-Caskey, with HS for HCS, as amended (Further conference granted)	HB 19-Franklin, with SCA 1 (Goode)

Journal

Requests to 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)

RESOLUTIONS

SR 359-Ehlmann	SCR 14-Quick, with HCA 1
SCR 9-Mueller	SCR 13-Stoll, with HA 1

Reported from Committee

HCR 17-Barnett (Graves)	HCS for HCRs 24 & 15, with SCS (Clay)
HCS for HCR 29, with SCS (Howard)	SR 588-Sims
HCR 30-Clayton, with SCS (Wiggins)	HCR 35-Gaw, et al (Bland) ✓